

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
AUGUST 15, 2013, 4:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Daniel McArthur
Councilmember Jon Pike
Councilmember Gail Bunker
Councilmember Jimmie Hughes
City Manager Gary Esplin
Deputy City Attorney Paula Houston
City Recorder Christina Fernandez**

EXCUSED:

**Councilmember Gil Almquist
Councilmember Ben Nickle**

OPENING:

Mayor McArthur called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Mayor McArthur and the invocation was offered by Pastor Alex Wilkie.

Brad Johnson who represents the SOUP Group stated it has been one year for Little Valley courts. To celebrate, they will be having a pot luck luncheon on September 27th from 10 a.m. to 12 p.m.

Leisure Services Director Kent Perkins announced the City will add an "I Am Able" run to the 37th annual marathon. This run will be a relay for those with disabilities. For more information, citizens can go to the St. George Marathon website.

SOLE SOURCE PURCHASE:

Consider approval of a sole source purchase of a centrifuge for the Wastewater Treatment Plant.

City Manager Gary Esplin stated the unit is reconditioned and matches the existing units at the Wastewater Treatment Plant.

Mayor McArthur explained that at a Solid Waste Board meeting he attended it was brought up that the board is working with the Wastewater Treatment Plant on sludge issues.

Water Services Director Scott Taylor explained there is new technology to have misters where the sludge is stored to see if chemicals can control the odor.

MOTION: A motion was made by Councilmember Pike to approve the sole source purchase in the amount of \$689,984.72 to Andritz Separation Inc.
SECOND: The motion was seconded by Councilmember Bunker.
VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

SPECIAL EVENT FEE WAIVER:

Consider approval of a special event fee waiver as well as a fee waiver for the use of Town Square for the Taste of Dixie/Spookytown Festival. Gregg McArthur, applicant.

Gregg McArthur stated the request is for a business expo type event. It will include approximately 120 vendors that cater to families. The event will be held on October 25th and 26th. This will be the 3rd annual Taste of Dixie community festival and will combine with the Washington County School District Foundation's Spookytown event. The festival will feature friendly activities for children. He stated he would like the City to partner with them and is requesting a fee waiver for the use of Town Square; a special event fee waiver; help with advertising on the City's website; the marquee at Bluff and St. George Boulevard, and in the Inside St. George Magazine; use of, and assistance in setting up power at the Town Square; trash cans and trash removal and use of the City's information booth. In the past, the City has donated the use of the Carousel; however, this year they are requesting that the City sell tickets and donate the proceeds to the Washington County School District.

MOTION: A motion was made by Councilmember Bunker to approve all items requested.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin clarified the requests were approved since the School District is a partner with the City with regard to the Town Square.

FEE WAIVER:

Consider approval of a fee waiver for the use of Town Square for the Steps for Hope event. Jessica Blevins, applicant.

Jessica Blevins stated she is the new director at the Hope Pregnancy Center. They would like to host a fun celebration on October 22nd and will provide t-shirts to those who make donations. She explained that the center is a non-profit organization serving Washington and Iron Counties that offer free pregnancy tests as well as counseling and classes. In addition, they have a boutique that offers items to families.

MOTION: A motion was made by Councilmember Hughes to waive the fee for the use of Town Square.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Mayor McArthur stated when the Council approves fee waivers, they expect the applicants to clean up the area they are using.

FEE WAIVER:

Consider approval of special event fee waiver as well as a fee waiver for the use of Town Square for the Southwest Utah's Recovery Day Celebration. Neal Smith, applicant.

Neal Smith explained this their 4th annual celebration.

Angie Graff stated the event grows every year. The event will be held on September 26th from 4:00 to 7:00 p.m. and will feature free food, games, recovery speakers and a band. She explained they will have volunteers do all clean up, set up and take down. They are requesting a fee waiver and proclamation.

MOTION: A motion was made by Councilmember Pike to waive the fee for the use of Town Square and to waive the special event fee.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FEE WAIVER:

Consider approval of a fee waiver for the use of Town Square for the Chuckwalla Music Festival. Nathan Truman, applicant.

City Manager Gary Esplin advised the item was tabled because there are issues that need to be worked out.

FEE WAIVER:

Consider approval of a fee waiver for the use of Crosby Confluence Park for the Pound the Pavement for Parenthood 5K. Shellee Salmon, applicant.

Courtney Jackson stated she underwent in vitro fertilization to become pregnant with her son. Pound the Pavement is a non-profit organization established in 2010 to help men and women with infertility. Since 2010, they have hosted 6 races and raised \$18,000. This will be the first in St. George. She explained the race will be held on September 14th and are hoping to have 300 runners. They are requesting a fee waiver for the use of Crosby Confluence Park.

Councilmember Bunker inquired how couples are chosen to participate in their program.

Ms. Jackson explained couples apply online at onestepcloser.org. Once the application is received, a committee chooses the couples. The race will raise enough to sponsor two families in St George.

MOTION: A motion was made by Councilmember Hughes to waive the fee for the use of Crosby Confluence Park.
SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Mayor McArthur advised since there are only three Councilmembers present, all items have to be unanimous. He gave the option to anyone who has items on the agenda to have the item tabled until there are additional Councilmembers present.

FINAL PLAT:

Wes Jenkins presented the final plat for Desert Willow Phase 2, a twenty-one lot subdivision located at approximately 1600 West and 330 North. The property is zoned R-1-8 and meets all requirements.

MOTION: A motion was made by Councilmember Bunker to approve the final plat as outlined and authorizes the Mayor to sign it.
SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

LOT LINE ADJUSTMENT:

Wes Jenkins explained the request is to adjust the lot line located between lot 17 and lot 30 of Crown Point Subdivision. The home located on lot 17 encroaches slightly onto lot 30 and both owners agree to this adjustment.

MOTION: A motion was made by Councilmember Pike to approve the lot line adjustment.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

LOT SPLIT:

Wes Jenkins explained the request is to split a 5.30 acre parcel of land located at approximately 650 North Dixie Drive into a 3.0 acre parcel and 2.3 acre parcel. He stated the Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Hughes to approve the lot split.
SECOND: The motion was seconded by Councilmember Bunker.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Sunterra, a 9 lot residential lot located north of 2800 South at approximately 2100 East, which is in Section 9, Township 43 South and Range 15 West. Zoning is RE-12.5 and the density is 1.91 dwelling units per acre. The Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Bunker to approve the preliminary plat as described.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Tupelo Estates Phases 1 & 2, a 50 lot single family residential subdivision located on the northeast corner of the intersection of 3000 East and Crimson Ridge Drive. Zoning is R-1-8 and density is 3.5 dwelling units per acre. The lots along 3000 East will be double fronting lots and will require a 10' landscape and privacy wall. Staff is recommending that the developer complete the improvements along 3000 East with the construction of Phase 1.

MOTION: A motion was made by Councilmember Pike to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Sun River Phase 42 and 43 for a 41 lot residential subdivision located south of Angel Arch Drive between Grapevine Drive and English Ivy Drive. Zoning is PD-R and density is 2.59 dwelling units per acre.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Sun River Phase 19 Amended for an 18 lot residential subdivision located at approximately 2030 West and 4890 south in the Sun River development. Zoning is PD-R and density is 2.02 dwelling units per acre. The preliminary plat was originally approved by City Council in February 2013, the applicant is requesting to add lot 2035.

MOTION: A motion was made by Councilmember Bunker to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Arthur Grant Commercial Center, a 3 lot commercial subdivision located on the east side of Dixie Drive at approximately 650 North. Zoning is C-3.

MOTION: A motion was made by Councilmember Pike to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/VACATION OF EASEMENT AND LOT MERGER/ORDINANCE:

Public hearing to consider vacation of a public utility and drainage easement and to merge a portion of Lot 2B into Lot 2A of River Bend Estates located at 2746 East 50 South Street.

Wes Jenkins advised the applicant is Thomas J. Smith. The JUC recommends approval.

Mayor McArthur opened the public hearing. There being none, he closed the public hearing.

MOTION: A motion was made by Councilmember Pike to approve the lot merger and easement vacation.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to construct a pressure regulation station on the southwest corner of the intersection of Bluff and Snow Canyon Parkway in a R-1-10 zone. Questar Gas Company, applicant.

Ray Snyder advised the applicant is requesting a conditional use permit to construct a pressure regulating station on the southwest corner of the intersection of Bluff Street and Snow Canyon Parkway in a residential R-1-10 zone. Staff has reviewed the proposed landscape plan and feels it fits into the proposed landscaping plan for the interchange project.

Brent Morgan, representing Questar Gas, stated they have been in contact with staff to make sure plans are consistent with the request from City Council. This area is most feasible to have the station.

Mark Goble stated Questar has proposed to put in a rock mulch similar to what will be used on the interchange. In addition, the trees will be 8' to 10' trees that will also match what is being used on the interchange. He approves of the new design.

Mr. Morgan explained the rock mulch is used for stability. He stated Questar wants to work with the City to make sure is what the Council wants. The entrance to the station will be 50 feet wide to allow access for semi trucks.

Councilmember Bunker stated she feels conflicted since this is such a visible corner.

City Manager Gary Esplin stated the station is needed; this location is the best fit.

MOTION: A motion was made by Councilmember Hughes to approve the conditional use permit for Questar Gas.

SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to establish an auto towing and impound yard at 769 North Red Rock Road in the M-1, Industrial zone. Tyler Satterfield, applicant.

Ray Snyder advised the applicant is Tyler Satterfield. The applicant is requesting a conditional use permit to establish a towing and impound yard in the St. George Industrial Park. The Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Bunker to approve the conditional use permit with the added condition they use chain link fence with slats.

SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to allow a gypsum mine in an Open Space zone located approximately 3600 South River Road. PCI, John Wilson, applicant.

Ray Snyder advised the applicant is proposing to mine gypsum for approximately 5 years and then level the site for future use. He explained SITLA owns the property and will lease it to PCI. The Planning Commission recommends approval with the conditional use standards contained within the CUP report prepared by Rosenberg Associates dated July 17, 2013.

John Wilson, applicant, presented a powerpoint presentation which include the following: aerial maps, plans, pictures of existing site, haul routes, dust control permit sign, speed limit sign, pictures of crushers, pictures of water trucks, pictures of covered trucks. He explained the proposed idea is to keep the operation the same size. As for blasting, they do seismographic testing that anyone can view; there is a list of agencies they have to notify but they do not notify the public. He stated salt water is used to bind the material on the road and is applied using a water truck. This process will crust over areas that will not be mined to prevent dust. His drivers were instructed to not disturb crusted areas.

Bill Swensen stated if crusted up and not disturbed, it should be fine. If a problem occurs, he would suggest a land-line sprinkler system.

Mr. Wilson explained they have changed practices by pre-soaking prior to blasting which has seemed to help. He stated they have been mining there since 1992.

Councilmember Pike inquired what the applicants record is in terms of complaints.

Mr. Swensen replied complaints regarding the applicant are very minimal. He has received more complaints from other locations. The air quality is monitored using an air monitor within a block from the proposed site. He distributed a dust control implementation plan.

Councilmember Pike stated the City needs to assure residents that the area is monitored.

MOTION: A motion was made by Councilmember Pike to approve the conditional use permit with the conditions of the Planning Commission as well as the conditions outlined in the dust control implementation plan distributed by Bill Swensen.

SECOND: The motion was seconded by Councilmember Bunker.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AA GRANT:

Consider approval of an FAA grant for the Replacement Airport.

City Manager Gary Esplin advised the request is to approve a grant from the FAA in the amount of \$11 million for the Replacement Airport.

MOTION: A motion was made by Councilmember Pike to approve the grant.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FEDERAL AID AGREEMENT:

Consider approval of a Federal Aid Agreement to design and construct a road improvement project on Indian Hills Drive.

City Manager Gary Esplin advised the request is for a Federal Aid Agreement to design and construct a road improvement project on Indian Hills Drive.

MOTION: A motion was made by Councilmember Bunker to approve the Federal Aid Agreement.
SECOND: The motion was seconded by Councilmember Hughes.

Councilmember Hughes inquired if the cost of the agreement was \$1.4 million.

City Manager Gary Esplin stated the City's match is 6.7%. He explained this will be a safe way for pedestrians and cyclists to safely use the road. Once the design is complete, it will come back for approval.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

QUIT CLAIM DEED/LEASE APPROVAL:

Consider approval to issue a quit claim deed and lease approval for parking areas at Old Airport site.

City Manager Gary Esplin explained Rococo was built quite a long time ago. The new owners would like to purchase the areas that the restaurant and hotel encroach on

City property. He advised the FAA has approved; however, they are waiting for the City to send an official letter.

MOTION: A motion was made by Councilmember Hughes to approve a quit claim deed and lease purchase agreement with the new owners.
SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

RESOLUTION:

Consider approval of a resolution declaring the intention of the City of St. George to make a pick-up election for City employees within the defined benefit plans of the Utah State Retirement Systems.

City Manager Gary Esplin advised the retirement rate has gone up.

MOTION: A motion was made by Councilmember Bunker to approve the pick-up election.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

MINUTES:

Consider approval of the minutes of the City Council meeting held July 11, 2013.

MOTION: A motion was made by Councilmember Pike to approve the minutes as presented.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes of the City Council meeting held July 18, 2013.

MOTION: A motion was made by Councilmember Hughes to approve the minutes as presented.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

ADJOURN TO A CLOSED SESSION:

MOTION: A motion was made by Councilmember Pike to adjourn to a closed session to discuss possible litigation.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

RECONVENE AND ADJOURN:

MOTION: A motion was made by Councilmember Bunker to reconvene and adjourn.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Bunker - aye
Councilmember Pike - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

DRAFTAgenda Item Number : **2A**

Request For Council Action

Date Submitted 2013-08-02 12:07:27**Applicant** Water Services Dept.**Quick Title** WWTP Centrifuge Purchase**Subject** Consider approval of a Sole Source Purchase of a centrifuge for the wastewater treatment plant.

Discussion Andritz Separation Inc. is the supplier of the Humbolt CP 3074 centrifuge system. This centrifuge is a reconditioned unit with a stainless steel rotating assembly. The unit will match the existing 2 centrifuges, with the exception of an upgraded conveyor and updated control equipment. The upgraded features will increase the throughput by about 20%. With this third centrifuge installed, we will be able to recondition and update the existing two centrifuges over the next couple of years.

Cost \$689,984.72

City Manager Recommendation A sole source as the unit is a reconditioned one that matches our existing units. This will save \$\$ over purchasing a new unit. Recommend approval.

Action Taken**Requested by** Scott Taylor**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

DRAFTAgenda Item Number : **3A**

Request For Council Action

Date Submitted 2013-08-01 11:43:49**Applicant** Thomas J. Smith**Quick Title** Public Hearing/Ordinance - Vacate Easement**Subject** Request to vacate a Public Utility and Drainage Easement, and to merge a portion of Lot 2B into Lot 2A of River Bend Estates located at 2746 East 50 South St.**Discussion** A public hearing is required because we are vacating a public easement. This request was taken to the Joint Utility Committee (JUC) and approved on July 30th.**Cost** \$0.00**City Manager Recommendation** Cleans up an issue in this old subdivision call River Bend Estates. The Joint Utilities Committee recommends approval.**Action Taken****Requested by** Todd Jacobsen**File Attachments** [Lot 2A.pdf](#)**Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments** This is a clean-up item. Code Enforcement is requiring Thomas, who purchased the property this way, to get the Lot Merger approved by the City. He is following through with this request by submitting the application to the City for this approval process.**Attachments** [Lot 2A.pdf](#)



DRAFTAgenda Item Number : **6A**

Request For Council Action

Date Submitted 2013-08-06 17:32:39**Applicant** Gregg McArthur**Quick Title** Taste of Dixie/SpookytownFestival**Subject** Consider request to waive special event fee and Town Square Park use fee.**Discussion** 3rd annual Taste of Dixie community festival on October 25,26 that is free and open to the public. This event is held in partnership with the Washington County School District Foundation's Spookytown Festival.**Cost** \$0.00**City Manager Recommendation** Recommend approval. Just how the Town Square was envisioned for use.**Action Taken****Requested by** Bill Swensen**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

DRAFTAgenda Item Number : **6B**

Request For Council Action

Date Submitted 2013-08-06 17:23:31**Applicant** Jessica Blevins**Quick Title** Steps for Hope**Subject** Consider request to the waive use fee at the Town Square Park.**Discussion** This annual non-profit fundraising event on October 22 is a fun, family friendly event involving a walk at Town Square and a free BBQ dinner.**Cost** \$0.00**City Manager Recommendation** Recommend approval as we have not had problems with this event in the past.**Action Taken****Requested by** Bill Swensen**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

DRAFTAgenda Item Number : **6C**

Request For Council Action

Date Submitted 2013-08-06 16:42:26**Applicant** Neal Smith**Quick Title** Southwest Utah's Recovery Day Celebration**Subject** Consider request to waive special event fee and use fee for the Town Square Park.**Discussion** 4th annual RECOVERY DAY celebration in conjunction with the Utah Fall Substance Abuse Conference. Free family entertainment with games and activities for all.**Cost** \$0.00**City Manager Recommendation** Recommend approval. Again, had event in the past at this location with no problems.**Action Taken****Requested by** Bill Swensen**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

DRAFTAgenda Item Number : **6D**

Request For Council Action

Date Submitted 2013-08-06 16:35:21**Applicant** Nathan Truman**Quick Title** Chuckwalla Music Festival**Subject** Consider request to hold a free music festival event at the Town Square Park.**Discussion** 1st annual Chuckwalla Music Festival on September 14 with entertainment that everyone can enjoy. Family fun with bounce houses, food, and craft booths for local vendors.**Cost** \$0.00**City Manager Recommendation** Not sure about this one at this time. The rules at the town square do not allow private for profit events. Checking on the sponsors and will have additional information later.**Action Taken****Requested by** Bill Swensen**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

DRAFTAgenda Item Number : **6E**

Request For Council Action

Date Submitted 2013-08-06 16:23:46**Applicant** Shellee Salmon**Quick Title** Pound the Pavement for Parenthood 5k**Subject** Request to waive user fees for Crosby Confluence Park.**Discussion** Non-profit event with a 5k/1 mile race held on September 14 to raise funds and assist members of the community in achieving parenthood.**Cost** \$0.00**City Manager Recommendation** I believe this is a first time fund raiser. Not sure the exact nature of the charity. Wait to hear presentation from the applicant.**Action Taken****Requested by** Bill Swensen**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

DRAFTAgenda Item Number : **6F**

Request For Council Action

Date Submitted 2013-08-05 14:21:53**Applicant** PC**Quick Title** PC Report from 8/13/13**Subject** Consider the report from the Planning Commission on August 13, 2013.

Discussion The PC agenda for August 13th has 1 final plat, 5 preliminary plats, a lot split, easement vacation and two CUP requests which are listed separately on the agenda. One CUP request is for mining of gypsum in an Open Space zone near the north end of the Ft Pierce Industrial Park, and the other CUP request is for an auto impound yard in the old industrial park off Industrial Road. The PC report will be provided at the City Council meeting because the PC meeting is only 2 days prior to the Council meeting.

Cost \$0.00

City Manager Recommendation Pretty heavy agenda with CUP's and plats.

Action Taken**Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget?** Amount:**Additional Comments**

**CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH**

PLANNING COMMISSION REPORT: AUGUST 13, 2013
CITY COUNCIL MEETING: AUGUST 15, 2013

1. **FINAL PLAT**

Consider approval of a final plat for “**Desert Willow Phase 2**” a twenty-one (21) lot single family residential subdivision final plat. The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size) and is located at approximately 1600 West and 330 North. Case No. 2013-FP-25 (Staff –Todd J.).

2. **LOT MERGER/ EASEMENT VACATION**

Consider approval of a lot merger / easement vacation for “**Lot 2A and 2B of River Bend Estates**” to vacate a public utility and drainage easement and to merge lots 2A together with a portion of Lot 2B. The representative is Mr. Thomas J Smith, owner of Lot 2A. The property is zoned MH-6 (Mobile Home Residential 6,000 square foot minimum lot size) and is located at 2746 East and 2734 East on 50 South Street. Case No. 2013-LRE-012 (Staff –Todd J.). *(Note: At City Council this will be public hearing item #3A)*

3. **LOT LINE ADJUSTMENT** (Amended Final Plat)

Consider approval to adjust a lot line within a recorded subdivision for “**Lot 17 and 30 of Crown Point Subdivision Amended.**” The representative is Mr. Marc Brown, Brown Consulting Engineers. The property is zoned PD-R (Planned Development Residential) and is located at 584 South Dixie Drive, Unit 17 and 30. Case No. 2013-LRE-013 (Staff –Todd J.).

4. **LOT SPLIT**

Consider approval to split a parcel of land into two parcels for “**Dean Terry Parcel (South of Albertson’s)**”. The representative is Mr. Marc Brown, Brown Consulting Engineers. The property is zoned C-3 (General Commercial) and is located at approximately 650 North Dixie Drive (parcel south of Sunset Plaza, Albertson’s). Case No. 2013-LRE-014 (Staff –Todd J.).

5. **PRELIMINARY PLATS**

A. Consider a preliminary plat request for “**Sunterra**” to create nine (9) single family residential lots on 4.71 acres. The owner is Rockwell Homes and the representative is Mr. Kade Bringham, Alpha Engineering. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size). The property is located at approximately 2750 South and 2100 East. Case No. 2013-PP-033. (Staff – Wes J.).

- B. Consider a preliminary plat request for **“Tupelo Estates Phase 1 and 2”** to create a total of fifty (50) single family residential lots on 14.19 acres. The project will be in two phases; Phase 1 and 2 will each be twenty-five (25) lots. The owner is DSG Holdings, LLC; KDQD, LLC and the representative is Mr. Stevew Kamlowsky, Development Solutions. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size). The property is located at 3000 East Crimson Ridge Drive. Case No. 2013-PP-034. (Staff – Wes J.).
- C. Consider a preliminary plat request for **“Sun River Phase 42-43”** to create a total of forty-one (41) residential lots on 15.82 acres. The project will be in two phases; Phase 42 would be twenty-two (22) lots and phase 43 would be nineteen (19) lots. The owner is Sun River St George Development LLC, the representative is Mr. Scott McCall, and the engineer is Mr. Alan Hall, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential). The property is located at the logical extension of Grapevine Drive and English Ivy Drive is Section 26, T43S, R16W, SLB&M. Case No. 2013-PP-035. (Staff – Wes J.).
- D. Consider a preliminary plat request for **“Sun River Phase 19 - Amended”** to create eighteen (18) single family residential lots on 8.90 acres. The owner is Sun River St George Development LLC, the representative is Mr. Scott McCall, and the engineer is Mr. Alan Hall, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential). The property is located at 2030 W 4890 S. Case No. 2013-PP-036. (Staff – Wes J.).
- E. Consider a preliminary plat request for **“Arthur Grant Commercial Center”** to create three (3) commercial lots on 3.52 acres. The owner is Arthur Grant Inv. LTD. and the representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned C-3 (General Commercial). The property is located at 700 N Dixie Drive.. Case No. 2013-PP-037. (Staff – Wes J.).

6. **CONDITIONAL USE PERMITS**

- A. Consider a request for a Conditional Use Permit to allow a **gypsum mining** operation on approximately 23.69 acres located east of the SunRoc Block Plant (east of River Road) at approximately 3600 South. The zoning is OS (Open Space). The owner is SITLA and the representative is **PCI** (Progressive Contracting Inc.), Mr. Russell Limb. Case No. 2013-CUP-013 (Staff – Bob N.).
- B. Consider a request for a Conditional Use Permit to establish a **towing and impound** yard in the old industrial park. The zoning is M-1 (Industrial). Located at 769 North Red Rock Road. The applicant is Mr. Tyler Satterfield. Case No. 2013-CUP-012 (Staff – Ray S.).

- C. Consider a request for a conditional use permit for; 1) a proposed “Unmanned Natural Gas Regulator Station & Launcher / Receiver Facility (a control room and a regulator station building), 2) an associated forty foot (40’) high data transmission tower,” 3) an eight foot (8’) high wall around the site, 4) site development mitigation, and 5) landscaping. The applicant is **Questar Gas** and the representative is Mr. Brent Morgan, Ensign Engineering. The total area is approximately 7.22 acres. The property is located at the southwest corner of Bluff Street and Snow Canyon Parkway and is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and OS (Open Space). Case No. 2013-CUP-003 (Staff – Ray S.)

Note: This item was tabled at the June 20th 2013 City Council meeting to allow the applicant time to design a landscape plan, to incorporate suggestions from the council, and to work with the City Park Planning Division to review, plan check, and make recommendations on. The applicant is now ready to approach the council again with a landscape plan and revised renderings.

PCR ITEM 1

Final Plat

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

FINAL PLAT

Desert Willow Phase 2

Case No. 2013-FP-025

Request: Approval of a twenty-one (21) Lot Residential Subdivision Final Plat

Representative: Brandon Anderson, Rosenberg Associates
352 E. Riverside Drive #A2
St. George, UT 84790

Property: Located at approximately 1600 West and 330 North

Zone: R-1-8 (Single family Residential 8,000 square foot minimum lot size)

Staff Comments: All aspects of this Final Plat were carefully looked at and reviewed by the Community Development Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the preliminary plat conditions and approvals.

P.C.: The Planning Commission's recommends approval.

PCR ITEM 2

Easement Vacation/Lot Merger

PLANNING COMMISSION AGENDA REPORT: 08/13/2013
CITY COUNCIL MEETING: 08/15/2013

EASEMENT VACATION/LOT MERGER

Lot 2A & 2B of River Bend Estates

Case No. 2013-LRE-012

Request: Approval to vacate a public utility and drainage easement and to merger Lot 2A together with a portion of Lot 2B

Representative: Thomas J. Smith, Owner of Lot 2A
2746 East 50 South St.
St. George, UT 84790

Property: Located at 2746 East and 2734 East on 50 South Street.

Zone: MH-6 (Mobile Home 6,000 square foot minimum lot size)

Staff Comments: This request to vacate a public utilities and drainage easement was taken to the Joint Utility Committee (JUC) and was approved on July 2, 2013. This request is to also approve merging the two lots together.

P.C.: The Planning Commission's recommends approval.



PCR ITEM 3

Lot Line Adjustment

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

LOT LINE ADJUSTMENT (Amended Final Plat)
Lot 17 & 30 of Crown Point Subdivision Amended
Case No. 2013-LRE-013

Request: Approval to adjust a lot line within a recorded subdivision

Representative: Marc Brown, Brown Consulting Engineers
163 South 1600 West, #5
St. George, UT 84770

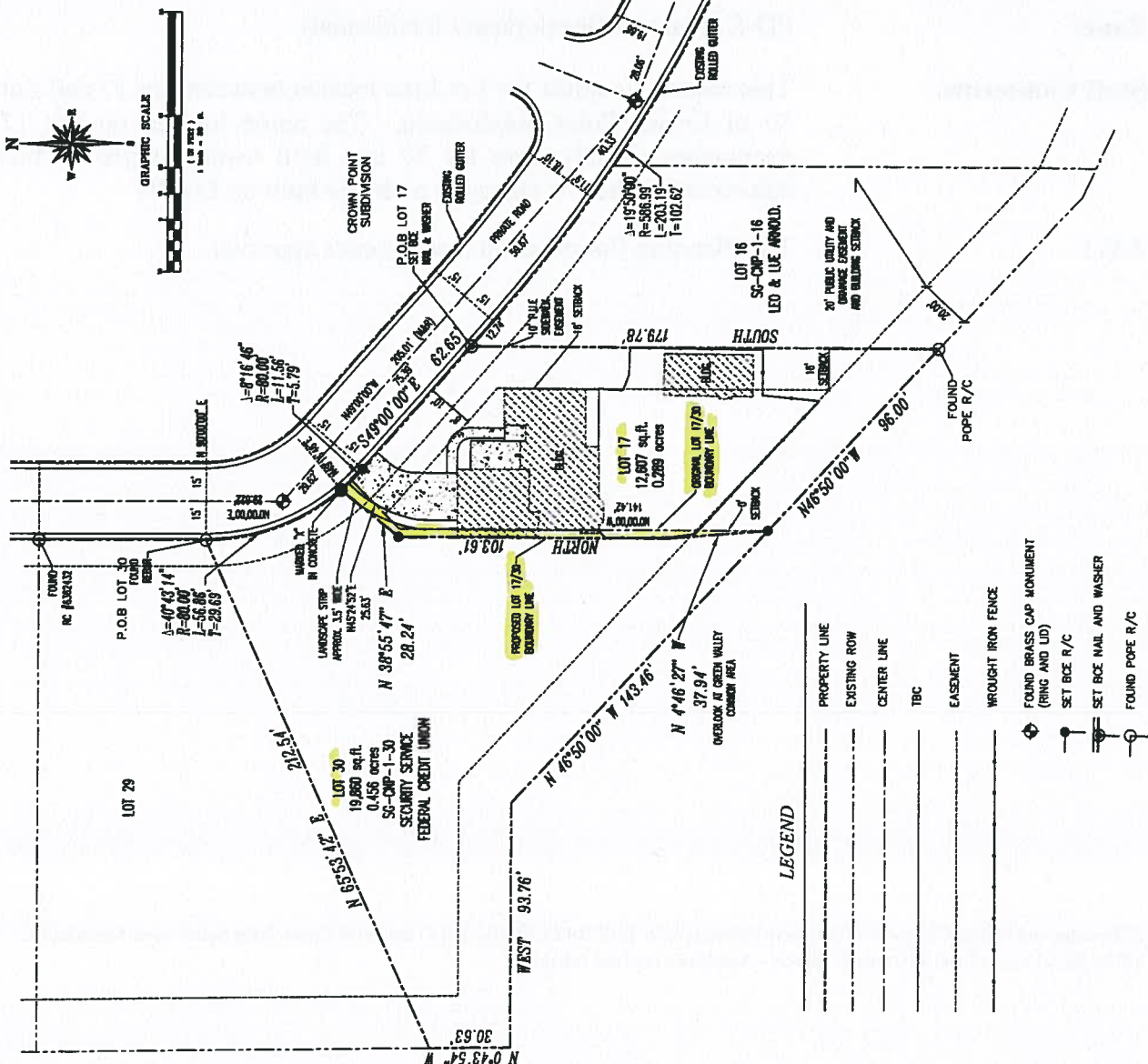
Property: Located at 584 South Dixie Drive, Unit 17 and 30

Zone: PD-R (Planned Development Residential)

Staff Comments: This request to adjust the Lot Line located between Lot 17 and Lot 30 of Crown Point Subdivision. The home located on Lot 17 encroaches slightly onto lot 30 and both owners agree to this adjustment. There is currently no home built on Lot 30.

P.C.: The Planning Commission recommends approval.

19,200 sq. ft.
0.453 acres



PCR ITEM 4

Lot Split

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

LOT SPLIT

Dean Terry Parcel (South of Albertson's)

Case No. 2013-LRE-014

Request: Approval to split a parcel of land into two parcels

Representative: Marc Brown, Brown Consulting Engineers
163 South 1600 West, #5
St. George, UT 84770

Property: Located at approximately 650 North Dixie Drive (parcel south of Sunset Plaza, Albertson's)

Zone: C-3

Staff Comments: This request to split a 5.3 Acre into two parcels, a 3.0 acre parcel and a 2.3 acre parcel. The APN (parcel ID No.) is SG-6-2-22-1201.

P.C.: The Planning Commission recommends approval.

	RECORDED BY: M.B.	
	INDEXED BY: M.B.	
	DATE: JUL 7 1968	
	DE NO. 8-28	
	FILE	7-80
		SET NO.
		ROS

- FOUND SECTIONAL DOCUMENTATION (AS NOTED)
- | | |
|-------------------------------------|---|
| EXISTING SOWER MANHOLE | • |
| EXISTING SOWER CLEANOUT | - |
| EXISTING STORM DRAIN MANHOLE | • |
| SET BOX R/C | ⌋ |
| SET BOX PK & WALKER
OR AS MARKED | ⌋ |

PCR ITEM 5A

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

PRELIMINARY PLAT

Sunterra

Case No. 2013-PP-033

Request: A request to approve a preliminary plat for a nine (9) lot residential subdivision.

Location: The property is located north of 2800 South at approximately 2100 East, which is in Section 9, Township 43 South and Range 15 West.

Property: 4.71 acres

Number of Lots: 9

Density: 1.91 dwelling units per acre

Zoning: RE-12.5 (Residential Estate 12,500 square foot minimum lot size)

Adjacent zones: East – RE-12.5
West – A-1
South – A-1
North – R-1-10

General Plan: LDR (Low Density Residential)

Applicant: Rockwell Homes
2547 East Lake Drive,
St. George, Utah 84790

Engineer: Alpha Engineering

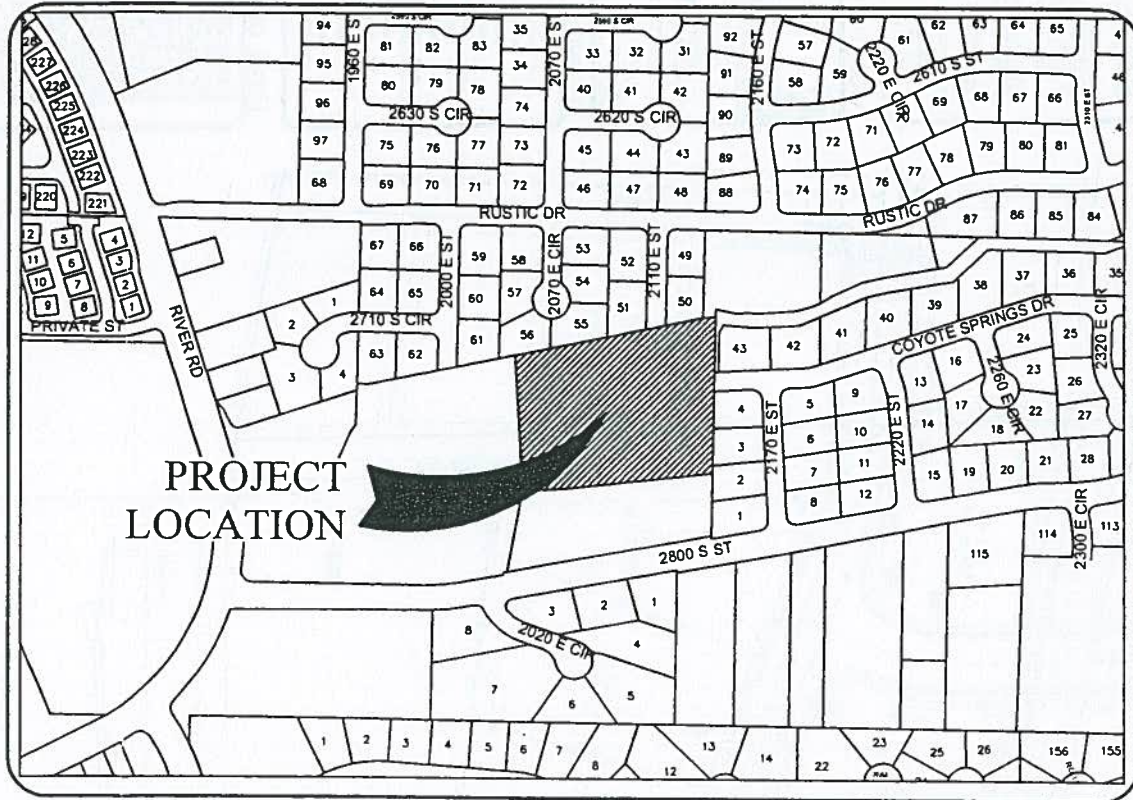
Staff Comments:

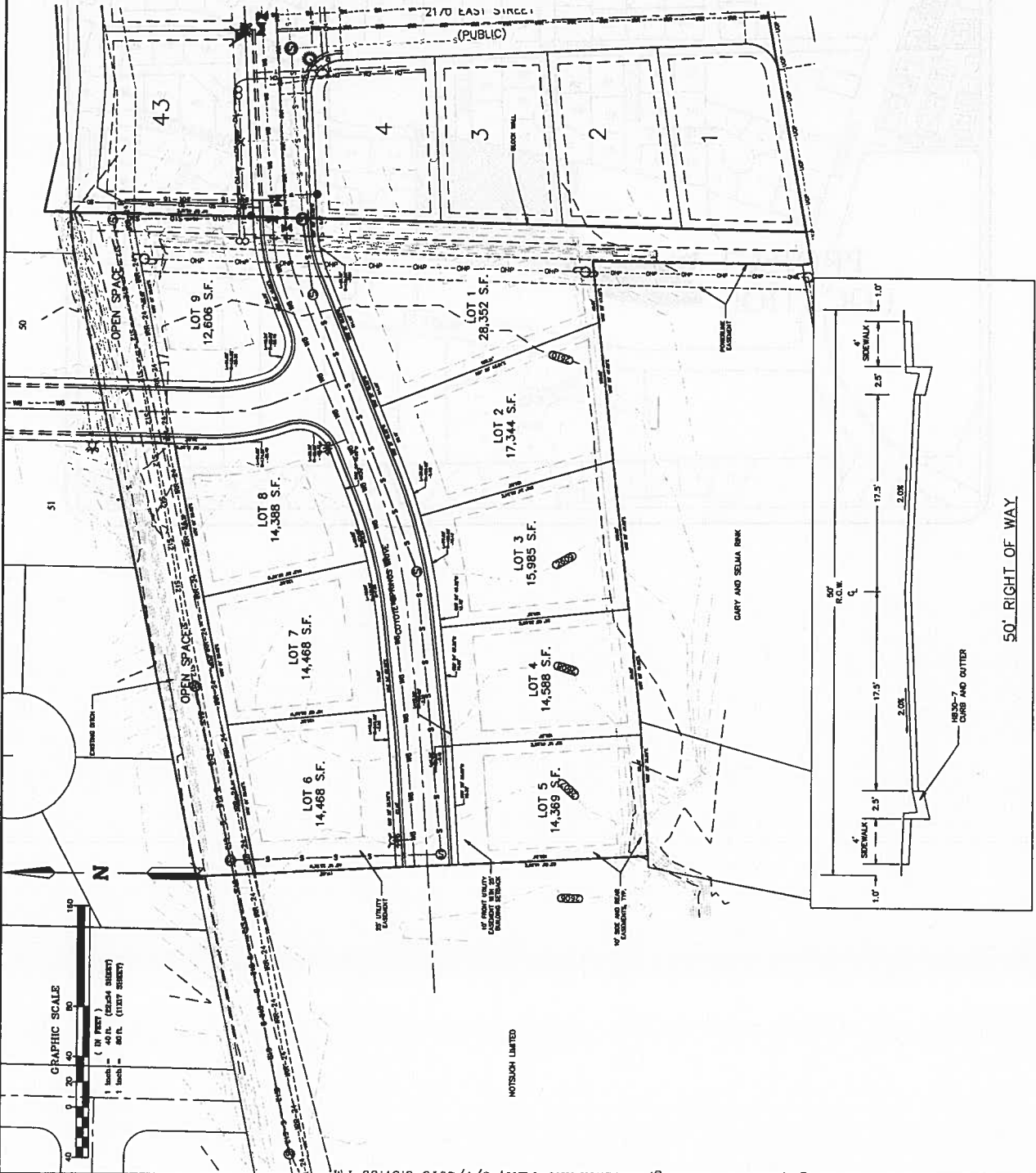
1. Coyote Springs Drive will temporarily end on the west side of the project. When the property to the west develops and 2000 East extends to the south then Coyote Springs Drive will extend to the west and connect to 2000 East. This will allow for connectivity to the north.

2. 2110 East will extend south over the existing canal and connect to Coyote Springs Drive. The developer is proposing to install a culvert under 2110 East to convey the existing canal to the west.

P.C.: The Planning Commission recommends approval.

VICINITY MAP





SITE NOTES

OWNER/DEVELOPER/APPLICANT
PAUL JOHNSON
JOHNSON ENTERPRISES
2547 EAST LAKE DRIVE
ST. GEORGE, UTAH 84770
PH. (435) 858-1133

PLAN PREPARER
ALPHA ENGINEERING COMPANY
43 SOUTH 100 EAST, SUITE 100
ST. GEORGE, UTAH 84770
PH. (435) 628-6500
FAX (435) 628-4543

PROJECT LOCATION
APPROXIMATELY 2750 SOUTH & 2100
ST. GEORGE, UTAH 84790

PLAT: TIMMONS 43 SOUTH, RANGE
ASSESSOR PARCEL: SG-5-3-B-426

VICINITY MAP



LEGEND

- | | |
|----|--------------------------------------|
| 1 | EXISTING OVERHEAD POWER LINE |
| 2 | EXISTING 3-PHASE POWER LINE |
| 3 | EXISTING POWER CONDUIT |
| 4 | EXISTING GAS LINE |
| 5 | EXISTING WATER LINE |
| 6 | EXISTING CABLE LINE |
| 7 | EXISTING WATER LINE |
| 8 | EXISTING 8" WATER LINE |
| 9 | EXISTING 24" REGULATION LINE |
| 10 | EXISTING 30" WATER LINE |
| 11 | EXISTING WATER VALVE |
| 12 | EXISTING FERT. INJECTANT |
| 13 | EXISTING REGULATION LINE |
| 14 | EXISTING SLOPE LINE (SIZE INDICATED) |
| 15 | EXISTING STORM DRAIN LINE |
| 16 | EXISTING STORM DRAIN CURB INLET |

LEGAL DESCRIPTION

[illegible]

CONTAINING 4.71 ACRES, MORE OR LESS.

[illegible]

ALPHA ENGINEERING
43 South 100 East, Suite 100 • St. George, Utah 84770
• 435.828.6500 • F. 435.828.6503 • alphaengineering.com

PRELIMINARY PLAT

SUNTERKA
ST. GEORGE, UTAH

1000-01
DKB
JULY 2013
AS NOTED
1
1 of 1
1000-01 BY 2000

PCR ITEM 5B

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 08/13/2013
CITY COUNCIL MEETING: 08/15/2013

PRELIMINARY PLAT

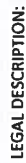
Tupelo Estates Phases 1 & 2

Case No. 2013-PP-034

- Request:** A request to approve a preliminary plat for a 50 lot single family residential subdivision.
- Location:** The property is located at the northeast corner of the intersection of 3000 East and Crimson Ridge Drive which is in the southwest corner of section 10, Township 43 South and Range 15 West.
- Property:** 14.19 acres
- Number of Lots:** 50
- Density:** 3.5 dwelling units per acre
- Zoning:** R-1-8
- Adjacent zones:** North – A-1;
West – R-1-12;
East – A-1;
South – Mining and Grazing;
- General Plan:** LDR (Low Density Residential)
- Applicant:** Quality Development, Stacy Young
- Comments:**
1. The City Council approved a zone change on this property on August 1, 2013 from mining and grazing to R-1-8.
 2. The lots along 3000 East will be double fronting lots and will require a 10-foot landscape strip and privacy wall. Staff is recommending that the developer complete the improvements along 3000 East with the construction of Phase 1.

3. The developer is proposing to use the new 45-foot roadway cross-section on the interior streets. The developer will be required to provide a minimum of 25 feet of asphalt on Crimson Ridge Drive and the proposed roadway on the north side of the development.

P.C.: The Planning Commission recommends approval.

[illegible]

LEGEND

SUPERVISION BOUNDARY
 EXISTING CURB & GUTTER
 PROPOSED CURB & GUTTER
 STREET CENTRELINE
 PROPOSED SEWER LINE
 PROPOSED WATERLINE

SE COR. SEC. 30,
T47S, R13W, S18M
FOUND 1973 BY
BRASS CAP
HELM #347
BROWN, REC. #17-42-151

SITE DATA:

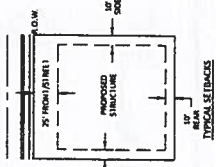
R-18
14.19 ACRES
50 LINDS
3.5 CU/AC

BENCHMARK

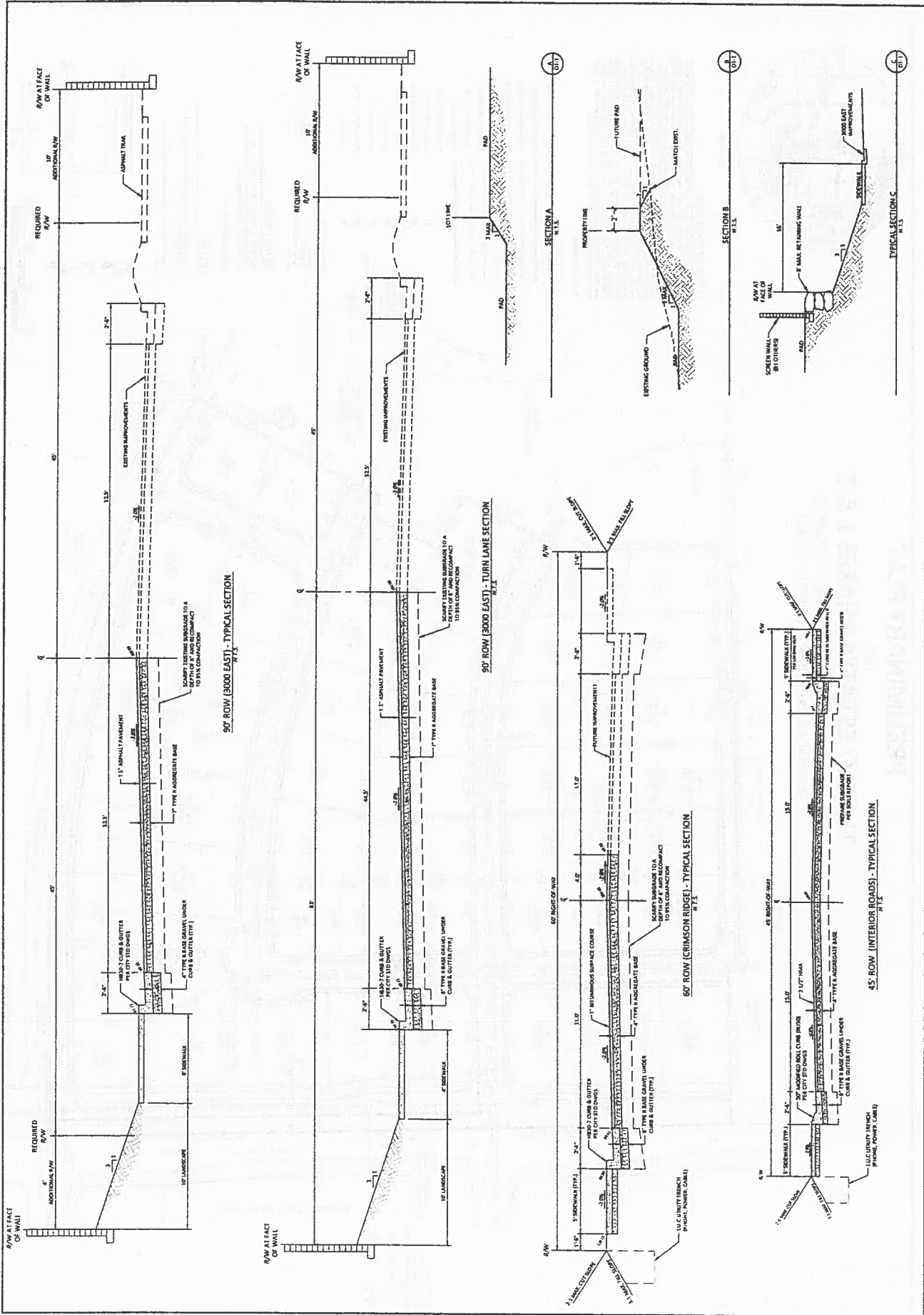
SOUTHWEST CORNER SECTION 10, TOWNSHIP 45
SOUTH, RANGE 13 WEST, SALI LAKE BASIN A MAPRED
1971 WASHINGTON COUNTY BRASS CAP.

NOTES:

1. ALL STREETS TO BE PUBLIC RIGHT-OF-WAY, CONSTRUCTED TO CITY STANDARDS.
2. THIS SITE IS NOT LOCATED WITHIN A HILLSIDE OVERLAY ZONE.



A scale bar labeled "SCALE IN FEET" with markings at 50, 0, 50, and 100.



PCR ITEM 5C

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 08/13/2013
CITY COUNCIL MEETING: 08/15/2013

PRELIMINARY PLAT

Sun River – Phase 42 and 43

Case No. 2013-PP-035

Request: A request to approve a two phase preliminary plat for a forty-one (41) lot residential subdivision.

Location: The project is located south of Angel Arch Drive between Grapevine Drive and English Ivy Drive which is located in Section 26 T43 South, R 16W SLB&M. This property is on the southern edge of the Sun River property.

Property: The subdivision is located on 15.82 acres

Number of Lots: 41

Density: 2.59 dwelling units per acre

Zoning: PD-R, PD Residential

Adjacent zones: This plat is surrounded by the PD-R zone on the north, east and west sides. On the south side the zoning is Mining and Grazing.

General Plan: Low Density Residential

Applicant: Sun River St. George Development, LLC
1404 West Sunriver Parkway #200
St. George, Utah 84770

Representative: Mr. Scott McCall

Engineer: Rosenberg Associates

Comments:

1. Because of the existing topography lots 1999, 2000, 2004, 2005, 2019 and 2020 will be 15 to 20 feet lower in elevation than the adjacent lots to the south. The difference in elevation will be taken up by proposed retaining walls.
2. English Ivy Drive is a public roadway all other proposed roads shown will be private.

P.C.: The Planning Commission recommends approval.

PCR ITEM 5D

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

PRELIMINARY PLAT

Sun River – Phase 19 Amended

Case No. 2013-PPA-036

Request: A request to approve an amended preliminary plat for an eighteen (18) lot residential subdivision.

Location: The project is located at approximately 2030 West and 4890 South in the Sun River development.

Property: The subdivision is located on 8.90 acres

Number of Lots: 18

Density: 2.02 dwelling units per acre

Zoning: PD-R, Planned Development Residential

Adjacent zones: This plat is surrounded by the PD-R zone

General Plan: Low Density Residential

Applicant: Sun River St. George Development, LLC
1404 West Sunriver Parkway #200
St. George, Utah 84770

Representative: Mr. Scott McCall

Engineer: Rosenberg Associates

Comments:

1. This preliminary plat was originally approved by City Council on February 21, 2013. The reason for amending the preliminary plat is to add lot 2035. The developer indicated that there is enough area south of lot 1904 than another lot could be created.

P.C.: The Planning Commission recommends approval.



PCR ITEM 5E

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT:
CITY COUNCIL MEETING:

08/13/2013
08/15/2013

PRELIMINARY PLAT

Arthur Grant Commercial Center

Case No. 2013-PPA-037

Request: A request to consider a preliminary plat to approve a three (3) lot commercial subdivision.

Location: This parcel is located on the east side of Dixie Drive at approximately 650 North.

Property: 3.52 acres

Number of Lots: 3

Zoning: C-3

Adjacent zones: North: C-3
West C-3
East PD-R (Planned Development Residential)
South C-3

General Plan: COM (Commercial)

Owner: Arthur Grant Inv. Ltd.

Representative: Brandon Anderson

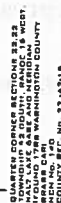
Comments:

1. The proposed project will have two accesses from Dixie Drive as shown on the preliminary plat. A shared cross access agreement will be required between the three lots. The developer will also be required to dedicate deceleration lanes as shown.
2. The developer is proposing to dedicate to St. George City the portion of the property that is located within the 100-year flood plain as shown.

P.C.: The Planning Commission recommends approval.

RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN,
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

NEN NO. 118
 COUNTY REF. NO. 23-62-18
 QNDRLAW, LLO
 80-A-2-22-6302



Journal of Management Inquiry 22(4)

EXISTING FINE NYOMANY



60 NORTON BLUFF STREET
T. GEORGE, U.S. 84770

PROJECT LAND USE
2
2 OF 4 SHEETS

PCR ITEM 6A

PCI Gypsum mining in an OS Zone

PLANNING COMMISSION AGENDA REPORT: 08/13/2013

CITY COUNCIL MEETING: 08/15/2013

CONDITIONAL USE PERMIT

PCI gypsum mining in OS zone

Case # 2013-CUP-013

Request: A Conditional Use Permit (CUP) to allow gypsum mining in an Open Space zone located east of the Sunroc Block Plant (east of River Road) at approximately 3600 South. The property owner is the State Trust Lands Administration (SITLA) and PCI has entered into a mineral lease agreement with SITLA. -

Background: PCI has an existing gypsum mining operation located on adjacent property to the northeast of the proposed expansion site. PCI would like to extract the gypsum layer which is anticipated to range from 2 to 15 feet thick at varying depths below the surface. The mining operation is expected to last about 5 years, after which the site would be brought to a near level grade and made available for future use. No crushing or stockpiling is proposed to occur on the subject 23 acre parcel, but rather the material would be transported by rock truck to the existing mine site located to the northeast of the proposed site.

Narrative: The applicant has provided a narrative describing the proposal (see attachment)

APN: SG-5-3-17-1101

Location: East of the Sunroc Block Plant (& east of River Road), at about 3600 South.

Applicant: Progressive Contracting Inc. (PCI)
239 E. Tabernacle Street
St George, Utah 84770

Rep.: Mr. John Wilson, PCI

Engineer: Rob Reid P.E., Rosenberg Associates
352 E Riverside Drive, Suite A-2
St George, Utah 84790

Zoning: Open Space

General Plan: Open Space

Project: The applicant proposes to mine gypsum for approximately 5 years and then level the site for future use.

Acreage: Approximately 23.7 acres.

Issues:

1. Dust Control / Air Quality.

The proposed gypsum mining operation will be required to comply with all federal, state and local air quality standards. PCI has submitted a 'Fugitive Dust Control Plan' to the state and to the city. Dust control must be done by frequent application of water to haul roads, mined / disturbed areas by water trucks, sprinkler lines, and other means. In addition all material leaving the site must be transported in covered trucks.

2. Traffic:

All (or nearly all) truck traffic leaves the mine site via 1700 East Street, heading south to 3850 South Street, then to River Road and south on River Road to the Southern Parkway, then west to I-15 and the milepost 2 interchange.

3. Site Reclamation:

At the end of the 5 year mining period the site must be reclaimed to an approximately level grade and compacted and left in a condition so as not to create a dust problem.

4. Noise:

Noise will be generated by the truck and mining equipment and periodic blasting. Mining operation will be limited to daylight hours and it is the applicant's responsibility to prevent "excessive noise". "Excessive noise" should be based on noise levels exceeding that typical of an industrial area.

5. Blasting:

Periodic blasting is proposed and must comply with all federal, state, and city standards. The St George Fire Dept is the local agency which issues blasting permits and the applicant must comply with all monitoring requirements (see applicant's narrative for further explanation.)

6. Length of mining operation:

The applicant proposes to conduct the mining operation during daylight hours for up to 5 years on the subject 23 acre site.

P.C.:

After a lengthy discussion, the Planning Commission recommended approval with the conditional use standards contained within the CUP Report prepared by Rosenberg Associates dated July 17, 2013 (see attachment), the findings A-K (see below) , and to add to item 'B' (Dust) in the findings a new sub note #3 to read "3. *Prior to the issuance of an air quality permit from the City of St George, the applicant shall adhere to additional standards of controlling dust that include pre-watering on weekends and holidays.*"

Findings: The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
Some loud noise is anticipated during daylight hours		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Control during mining operation with frequent water application to haul roads, disturbed areas and stockpiles.		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line. <i>3. Prior to the issuance of an air quality permit from the City of St George, the applicant shall adhere to additional standards of controlling dust that include pre-watering on weekends and holidays."</i>
	X	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
The property must be brought to near level grade when completed with mining		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
Meet all City, State, and Federal safety requirements		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
Nearly all truck traffic to go south on River Road to Southern Parkway		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.

	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
Daylight hours only		H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>
	X	I. Saturation / Spacing	<p>1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.</p>
		J. Maintain Character and purpose of zone	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
Meet all air quality and other applicable City, State, and Federal environmental/health requirements		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>



CITY OF ST. GEORGE

175 East 200 North
St. George, Utah 84770

52 Letters mailed
on 7/29/13

July 31, 2013

Dear Property owner within 300' of requested conditional use permit:

The St. George City Planning Commission has received a request from Mr. John Wilson with Progressive Contracting Inc, applicant, for permission to mine gypsum on 23.7 acres located east of River Road (and east of the Sunroc Block Plant) at approximately 3600 South (see attached map). The property is zoned Open Space, and surrounded on three sides by manufacturing M-1 zone. The applicant (PCI) requests approval to conduct open-pit mining on the site for up to 5 years, and upon completion to reclaim the site to a generally level grade suitable for future development. No crushing or stockpiling of material will be done on the 23 acre site, but rather transported via rock trucks to the existing mining operation located northeast of the proposed site. Hours of operation are proposed to be limited to daylight hours only, matching the hours for the existing mining operation to the northeast.

This request will be considered at the Planning Commission meeting **Tuesday, August 13, 2013 at 5:00 p.m.** The Planning Commission will then make a recommendation to the City Council who will most likely consider the request on **Thursday, August 15, 2013 at 4:00 p.m.** Both Planning Commission and City Council meetings are held in the City Office Building, Council Chambers at 175 East 200 North.

These meetings are open to the public and you are cordially invited to attend and express your opinions regarding the proposed project or present your comments in writing prior to the meetings.

Sincerely,

Bob Nicholson
Community Development Coordinator

CITY OF ST. GEORGE

175 East 200 North, St. George, Utah 84770
Phone: (435) 627-4000
www.sgcity.org

MAYOR

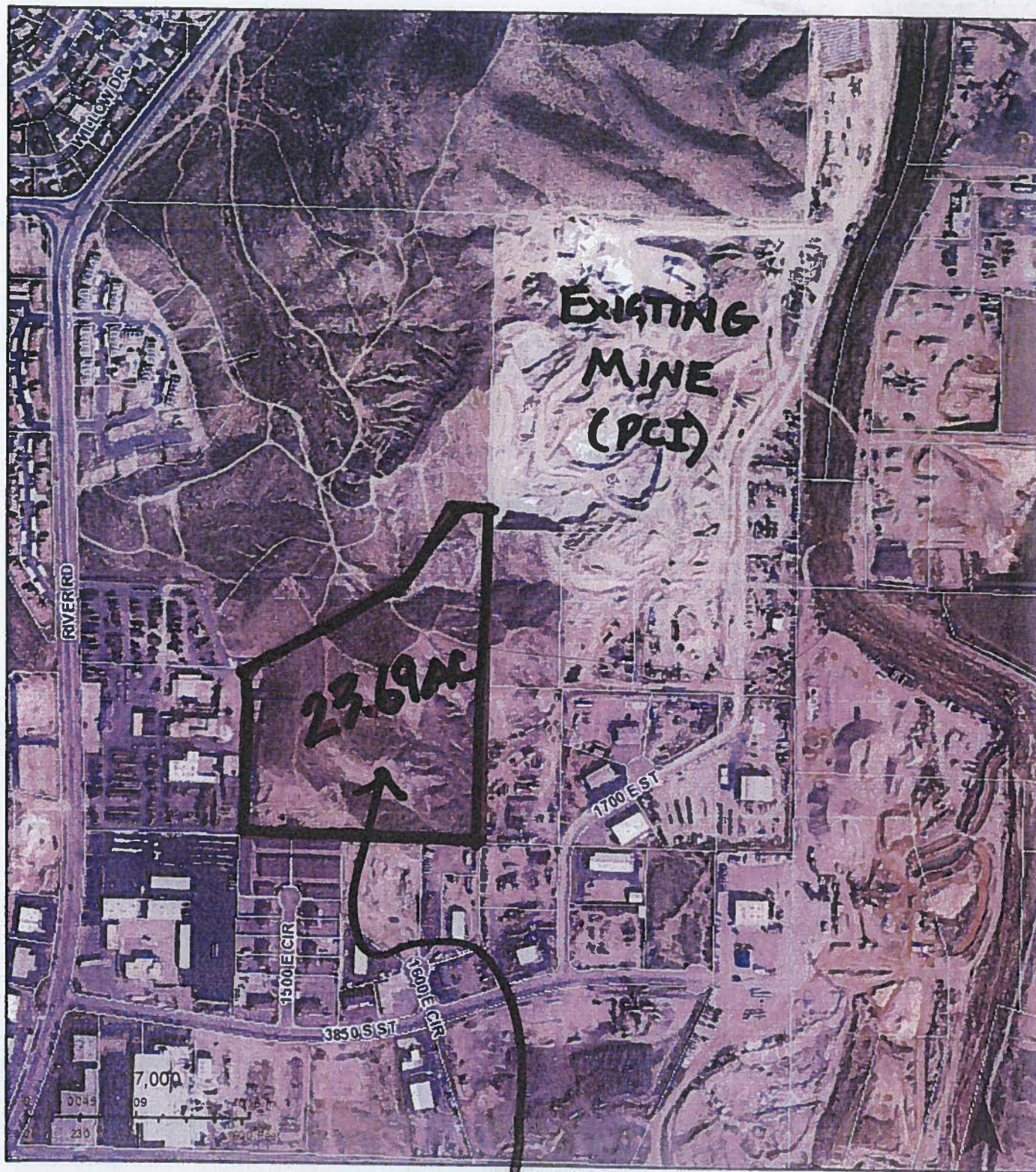
Daniel D. McArthur

CITY MANAGER

Gary S. Esplin

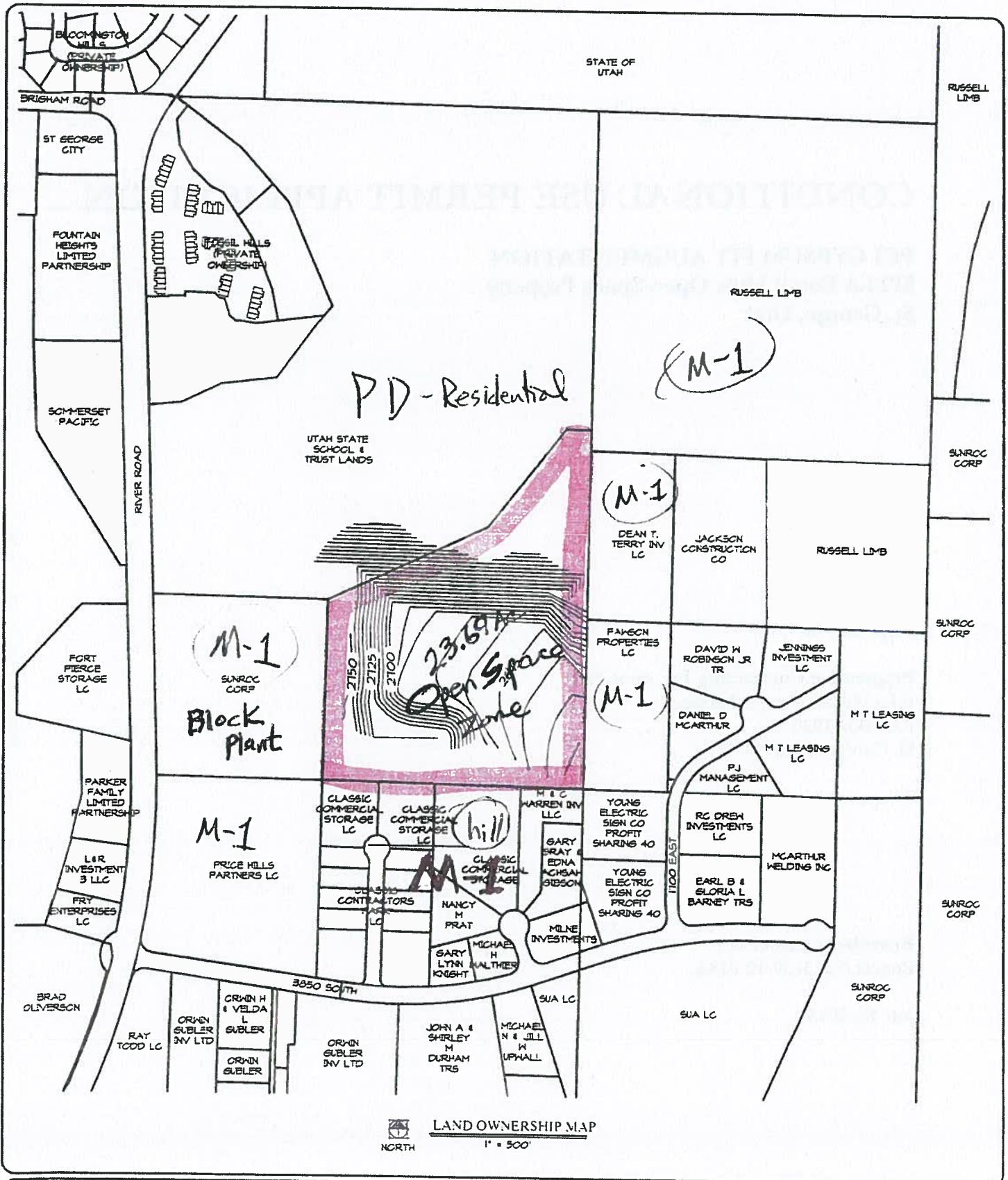
CITY COUNCIL

Gil Almquist
Gail Bunker, Jimmie Hughes
Benjamin Nickle, Jon Pike



PCI's Proposed Mining Operation on 23.6 acres





CONDITIONAL USE PERMIT APPLICATION

PCI GYPSUM PIT AUGMENTATION
SITLA Fossil Hills Open Space Property
St. George, Utah

Prepared For:

Progressive Contracting Incorporated
John Wilson, Project Manager
P.O. Box 1930
St. George, Utah 84771

Rosenberg Associates
Project No: 3139-10-018A

July 17, 2013

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1.0 INTRODUCTION

This narrative is submitted in support of the proposed PCI Gypsum Pit Augmentation Conditional Use Permit Application. Progressive Contracting Incorporated (PCI) is working in partnership with the Utah State Schools and Institutional Trust Lands Administration (SITLA) to mine gypsum and other mineral materials. The proposed augmentation of the area that PCI mines is to maintain the same production rate and size of operation that PCI has been operating for the last 10 years. In order to accommodate the proposed mining use, the parcel was removed from the SITLA Fossil Hills Planned Development and rezoned to Open Space by the St. George City Council on June 20, 2013. The proposed mining activity is consistent with the adjacent land uses.

Following mining activity, PCI will perform earthwork and grading to 'reclaim' the site for future development consistent with the approved State of Utah Division of Oil, Gas, and Mining (DOGM) permit & bonded reclamation plan.

This narrative has been prepared to address the requirements of Section 10-17-7 of the City of St. George Zoning Ordinance.¹ Please refer to the conditional use permit application for supplemental information, including the following:

- *Land Ownership Map Exhibit*
- *Proposed Grading Plan Exhibit*

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The subject property is located east of River Road and north of 3850 South Street, behind the Sunroc block plant, as seen in the *Land Ownership Map Exhibit*. The property is currently owned by SITLA, Washington County Parcel No. SG-5-3-17-1101. The property will be accessed via a temporary access road from the northeast corner of the parcel, which connects to the existing gypsum mine and gravel pit operated by PCI on property owned by Russell Limb. The proposed haul road location is shown on the *Proposed Grading Plan Exhibit*.

2.2 PROPOSED ACTIVITY

PCI has entered into a mineral lease agreement with SITLA on the proposed mining area to mine gypsum and other mineral materials from property. The mining operations will be an open pit process. The site will have overburden and topsoil stripped and stockpiled for re-use during the reclamation process. Stockpiled material will be within the boundaries of Phase II of the DOGM approved phasing plan. Cuts in the area are anticipated to be 25 feet to finish grade, however over-excavation will occur as gypsum layers are encountered. It is anticipated that gypsum layers will range from 2 to 15 feet thick, tilting southward at a 5 to 15 degree angle with intermediate clay layers ranging from 1 to 4 feet. Areas that are over-excavated to maximize the gypsum resource will be

¹ Code of the City of St. George, Utah, Title 10, Chapter 17, *Conditional Uses*, Section 10-17-7, *General Standards for Approval of Conditional Uses*.

backfilled with onsite material suitable for structural fill. After the overburden is removed and blasting accomplished, material is loaded with excavators to allow for sorting of material into limestone, fines, board rock, and white rock. The material will then be transported via rock trucks to three processing stock piles on the existing mine site. No crushing or stockpiling of product will occur on the Phase II site. The additional acreage is intended to replace Phase I area once the gypsum resource has expired. It is anticipated that the Phase I resources will expire within the next year.

The total amount of earthwork to be moved on the parcel is estimated to be 918,900 cubic yards, as shown in the *Proposed Grading Plan Exhibit*. The total disturbed area will be approximately 23 acres, with no more than 17 acres of land being in disturbance at any one time. Assuming the mining operations will excavate approximately 184,000 cubic yards per year, the estimated life expectancy of the project will be 5 years.

Following the mining activity in a given area, PCI will perform 'reclamation' earthwork and grading to prepare the site per the DOGM permit and bonded reclamation plan.

3.0 CONDITIONAL USE STANDARDS FOR APPROVAL

3.1 NOISE MITIGATION

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others. Major mining operations will be done during daylight hours. The equipment used is similar to equipment used throughout the Fort Pierce industrial park.

Blasting will be used in the mining operation. Blasting will be conducted by PCI staff and private licensed, bonded, and insured blasting companies. All blasting will be done in accordance with USBM, OSHA, MSHA, DOGM, BTAF, and City of St. George regulations. Seismic monitoring is done and monitored by a third party. A geophone sensor for the seismograph is temporarily installed at the project boundaries. The seismograph records ground vibrations in terms of peak particle velocity (PPV) expressed in units of inches per second (in/s). The seismograph is programmed to begin recording vibration waveforms when ground motions exceed a 0.02 in/s trigger level. Vibrations of 0.02 in/s are near the threshold of human perception for most people and well below the threshold values set for structures. The U.S. Bureau of Mines (USBM) compliance chart, which is the most widely used criteria for indicating whether vibrations are capable of causing damages to structures, plots both the amplitude (PPV) and the frequency of vibrations. Based on the USBM data, the lowest particle velocity that is capable of causing damage is 0.2 in/s. Data that plots below this threshold is in compliance with the USBM's standards and indicate that the vibrations are not likely to cause damage. Charge weight, number of charges, blast efficiency, and surface conditions (i.e. an unconsolidated alluvium vs. solid bedrock medium) will transmit vibrations differently. This information is considered while developing a particular blast plan. Prior to blasting, the area is presoaked to minimize dust, the City of St. George is notified, and the site is cleared by the site safety superintendent. Once a visual inspection is made to clear the pit, a siren warning to alert all personnel of the impending blast is done. At this time all personnel and equipment are accounted for in an area removed from the blasting zone. The siren is sounded again

and the blaster turns on his emergency flashing lights. The blast is then detonated. No one enters the site until the blaster gives the all clear.

3.2 DUST CONTROL

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all air quality standards; state, federal and local; and shall not create unusual or obnoxious dust beyond the property line.

PCI will adhere to its company administered fugitive dust control plan on file with the State of Utah Department of Environmental Quality, Division of Air Quality (UDAQ) that will be used on this site. This plan addresses control of dust on roads and from fugitive mining sources.

PCI has submitted a Notice of Intent (NOI) to the UDAQ for current activities taking place on the Russell Limb property including excavation, stockpiling, screening, crushing, loading into trucks, and delivery. These activities are covered under the UDAQ issued Approval Order for this equipment. This NOI will be updated to reflect the additional areas of excavation and the additional haul distance for the proposed expansion area as part of the Storm Water Pollution Prevention Plan (SWPPP) requirement triggered at the time PCI secures a grading permit from the City of St. George. Fugitive dust is controlled by Best Management Practices (BMP) as outlined in the NOI and SWPPP. Some of the BMPs used include the application of mag-chloride on haul roads, water trucks, water wagons, and sprinkler lines with spray bars and drip bars (on discharge points of the crusher). All gypsum loads leaving the property are transported in covered trucks, refer to the photo exhibit.

3.3 ODOR CONTROL

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all air quality standards, state, federal and local; and shall not create unusual or obnoxious odors beyond the property line. The production of gypsum does not create obnoxious odors as it is a non-odorous material.

3.4 AESTHETICS

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced. Visual impacts from the proposed earthwork and mining operation will be temporary. As noted in Section 2.2, PCI will perform 'reclamation' earthwork and grading to prepare the site topography to be in compliance with the approved DOGM reclamation plan.

3.5 SAFETY

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. Uses shall also not be located within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer as being in conformance with city engineering standards and all state, local and federal laws.

The Federal Mine Safety and Health Administration (MSHA) will have jurisdiction over the health and safety of those working at the site. A legal identity report will be submitted to MSHA before operations begin.

Storm water from this project site will be regulated by the Utah Pollutant Discharge Elimination System (UPDES) under the implemented storm water provisions for industrial facilities. An updated Notice of Intent (NOI) will be prepared along with a Storm Water Pollution Prevention Plan (SWPPP) at the time a grading permit application is submitted to the City of St. George, as discussed in Section 3.2.

Storm water drainage is maintained on site by use of retention basins for each phase as per the approved DOGM permit.

Geotechnical safety concerns for cut and fill slopes have been addressed in a geologic hazard assessment that was performed for the existing gypsum mine and gravel pit operated by PCI on property owned by Russell Limb.

According to the FEMA Flood Insurance Rate Map (FIRM) numbered 49053C1041G, dated April 2, 2009, the subject site is located within Zone X, defined as an area to be determined to be outside the 0.2% annual chance flood.²

3.6 TRAFFIC ISSUES

In accordance with the requirements of the City of St. George Zoning Ordinance, traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". Uses shall also follow city access management standards and not create hazards to other drivers or pedestrians.

The conditional use permit will allow the existing mine area to be operated at the existing production levels. In conjunction with the existing mining operations and equipment already present at the adjacent Russell Limb property, it is anticipated that traffic volumes will remain approximately the same. No additional staffing or purchasing of additional equipment is anticipated for the expansion into the SITLA location. As previously stated, Phase II of the mining operation is not an expansion of the operation; it is a continuation of mining of new gypsum resources upon exhaustion of the resources in Phase I.

Current truck trip rates are dictated by the demand for the product. In the last 2 years, the average truck trip rate has been approximately 20.35 trips per day for a 5 day work week. The trip route will be via the northeast corner of the SITLA parcel, along the south boundary of the Russell Limb parcel to access 1700 East Street. All truck traffic travels southward on 1700 East Street to 3850 South Street, then westward to River Road, then south on River Road to Exit 2 of I-15 (see attached exhibit map).

The haul roads within the active SITLA parcel will change with pit operations, but ultimately be directed to the Russell Limb property via the northeast corner of the parcel. All traffic will be restricted from areas that have been reclaimed.

² Federal Emergency Management Agency Flood Insurance Rate Map, Washington County, Utah, Panel 1041 of 1225, Map Number 49053C1041G, effective date April 2, 2009.

3.7 HEIGHT

The City requires that all proposed conditional use building heights shall fit into the overall context of the surrounding area. Although no buildings are proposed for construction as part of this conditional use permit, visual impacts from the proposed earthwork activities shall fit into the overall grading of the surrounding area, as shown on the proposed grading plan.

3.8 HOURS OF OPERATION

The proposed times of operation will be limited to daylight hours, matching the hours already utilized by the PCI workforce on the existing mine site. In accordance with the requirements of the City of St. George Zoning Ordinance, nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area. Crushing and mining activity hours are regulated in the DOGM permit. No crushing or mining activities can occur after daylight hours. Servicing and loading of equipment is allowed.

The current land uses adjacent to the SITLA parcel are almost exclusively industrial and manufacturing; namely current mining operations by PCI on the Russell Limb parcel located to the northeast, and the Sunroc concrete products manufacturing plant located to the west. Parcels located to the south are part of the Fort Pierce Industrial Park. The nearest residential area is the Fossil Hills multi-family parcel fronting River Road, part of the SITLA Fossil Hills Planned Development. The nearest structure in the residential parcel is located approximately 1,100 feet from the property boundary. The residential property is also shielded from view and sounds of the mining operation due to the existing hill, as seen from the topography of the *Proposed Grading Plan Exhibit*.

3.9 SATURATION/SPACING

In accordance with the requirements of the City of St. George Zoning Ordinance, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas. Since this parcel is not located in a residential area, the saturation/spacing criterion is not applicable to this conditional use permit application.

3.10 CHARACTER AND PURPOSE OF ZONING

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall be consistent with the character and purpose of the zone within which they are located.

As noted in Section 3.8, the current land uses adjacent to the SITLA parcel are used almost exclusively for industrial and manufacturing purposes, which are consistent with the proposed mining use.

3.11 PUBLIC HEALTH

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all sanitation and solid waste disposal codes, and shall not create public health concerns.

The proposed conditional use operations will utilize the sanitation and solid waste disposal facilities currently located on the Russell Limb parcel. As noted in Section 3.6, the conditional use permit will be operated by PCI in conjunction with the existing mining operations and equipment already present at the adjacent Russell Limb property, and no additional staffing or purchasing of additional equipment is anticipated for the expansion into the SITLA location. For this reason, no expansion of existing sanitation or solid waste disposal facilities is anticipated.

4.0 REFERENCES

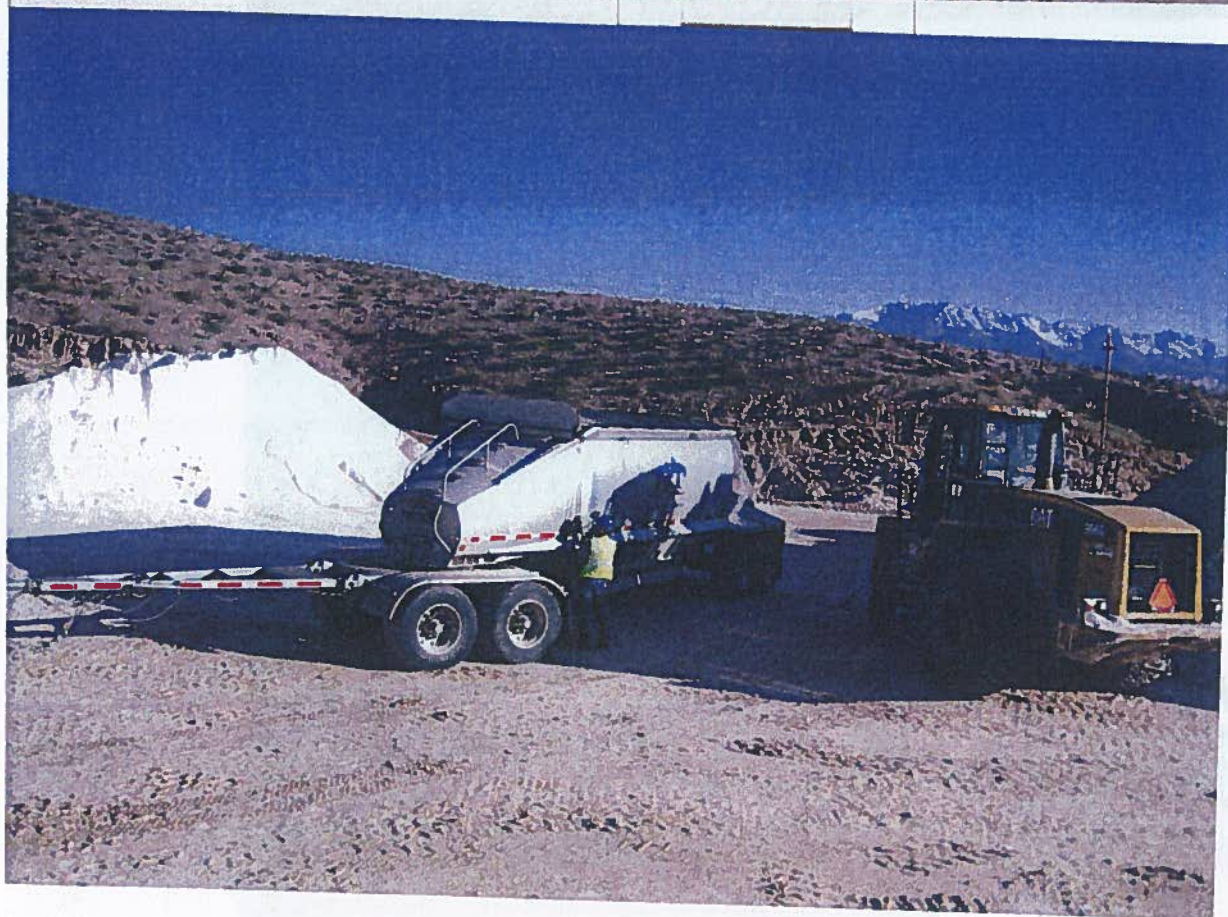
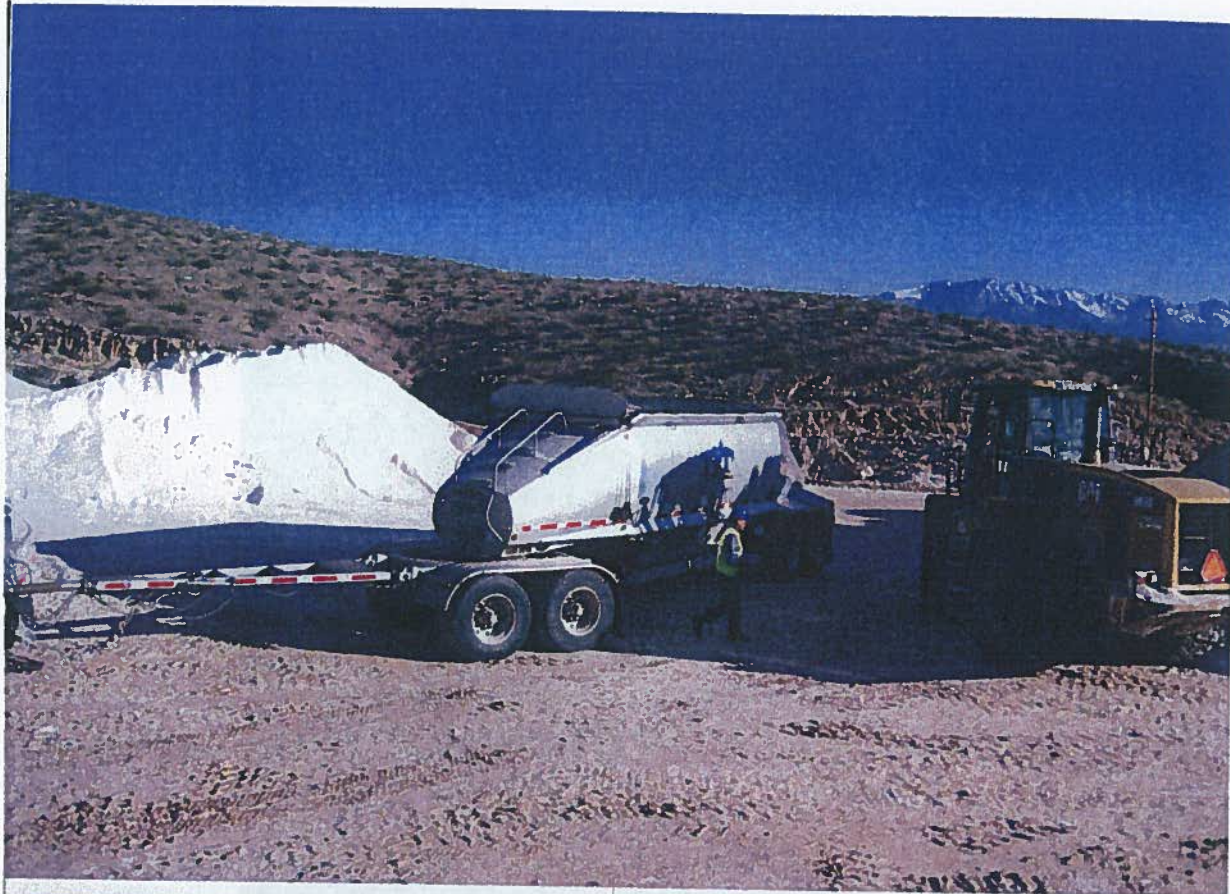
1. Code of the City of St. George, Utah, Title 10, Chapter 17, *Conditional Uses*, Section 10-17-7, *General Standards for Approval of Conditional Uses*.
2. Code of the City of St. George, Utah, Title 10, Chapter 13, *Overlay Zones*, Article A, *Hillside Development*.
3. Federal Emergency Management Agency Flood Insurance Rate Map, Washington County, Utah, Panel 1041 of 1225, Map Number 49053C1041G, effective date April 2, 2009.
4. Approval Order: Modification to Approval Order, DAQE-514-98 to Add and Modify Portable Equipment, State of Utah, Department of Environmental Quality, Division of Air Quality, Approval Order Number DAQE-AN0110970004-09, September 28, 2009.
5. Reclamation Contract between Principal and Division, State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining, December 19, 2011.
6. Notice of Intent to Commence Mineral Operations, Progressive Contracting, Inc., State of Utah, Division of Oil, Gas, and Mining, Approved February 12, 2013.
7. Addendum to Geologic Hazard Assessment and Geotechnical Investigation, Fort Pierce Property, Applied Geotechnical Engineering Consultants, November 11, 1999.
8. Geologic Hazard Assessment Update, Fort Pierce Industrial Park Property (PCI Pit), Applied Geotechnical Engineering Consultants, January 8, 2010.
9. Drainage Control Report, PCI Quarry, St. George, Utah, Rosenberg Associates, December 10, 2012.

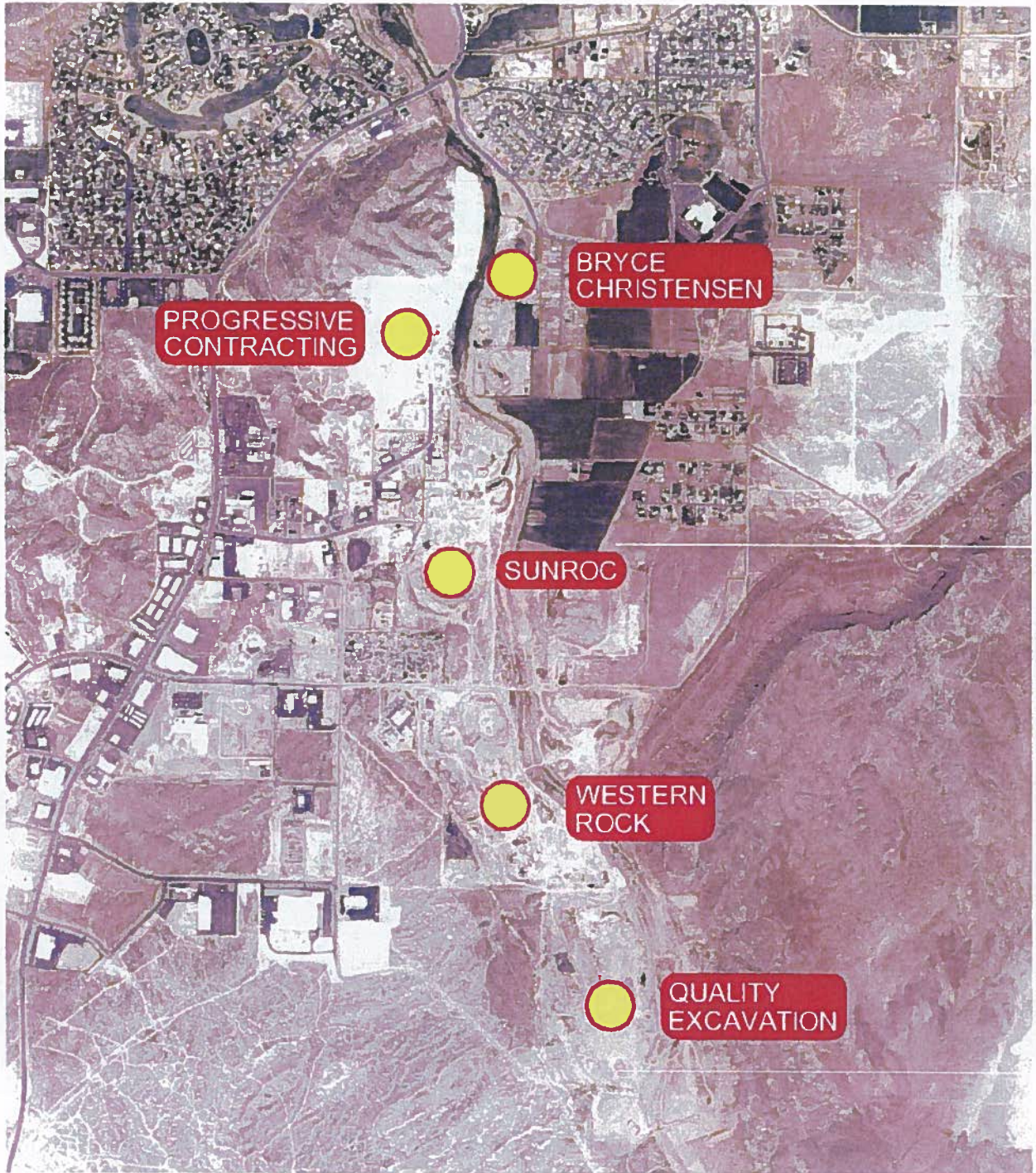
5.0 EXHIBITS

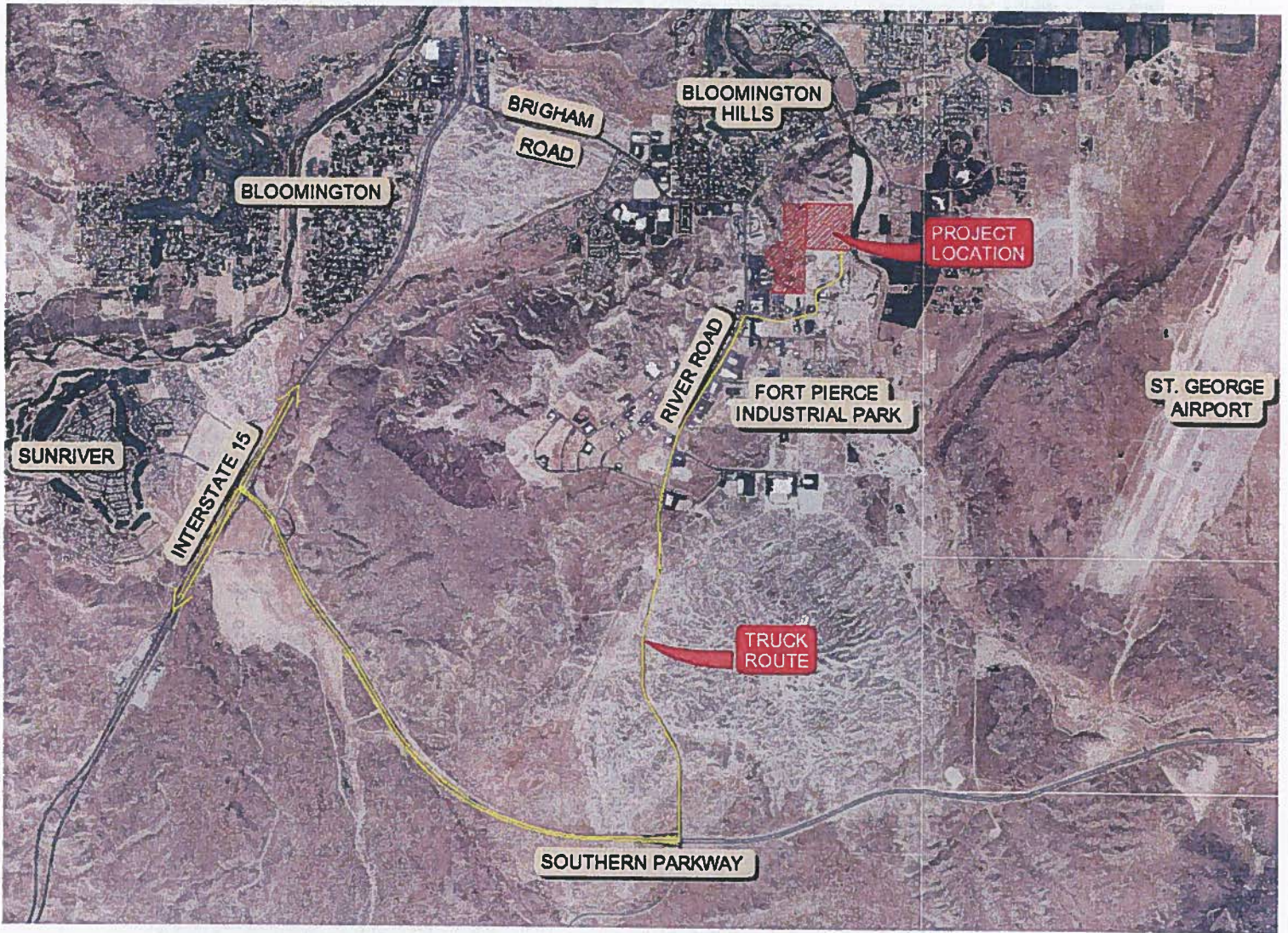












LANDMARK

TESTING & ENGINEERING

INSPECTION REPORT

Project Name: PCI Yard Project No. 99132
Client Name: Progressive Contracting Inc. Date: 6/14/2013
Client Address: P.O. Box 1930, St. George, Utah 84770
Location: PCI Yard
Inspection Type(s)/Coverage: Vibration Monitor Report # _____

SUMMARY

This report summarizes the results of a one-time vibration monitoring study for blasting at the PCI Yard project the morning of June 14, 2013.

One factory-calibrated Instantel Blastmate III seismograph was placed northeast of the blast area, near the west bank of Fort Pierce Wash. The nearest residences were located northeast of the wash at the Knolls Subdivision. No other locations were monitored. A geophone sensor for the seismograph was temporarily installed at the indicated location. The seismograph records ground vibrations in terms of peak particle velocity (PPV) expressed in the units of inches per second (in/s). The seismograph was programmed to begin recording vibration waveforms when ground motions exceeded a 0.02 in/s trigger level. Vibrations of 0.02 in/s are near the threshold of human perception for most people and are well below the threshold values set for structures.¹ The seismograph was set to record as long as vibration levels remained at or above the trigger level.

The U.S. Bureau of Mines (USBM) compliance chart, which is the most widely used criteria for indicating whether vibrations are capable of causing damage to structures, plots both the amplitude (PPV) and frequency of vibrations. Based upon USBM data, the lowest particle velocity that is capable of causing damage is 0.2 in/s. Data that plots below this threshold are compliant with the USBM's standards and indicate that the vibrations are not likely to cause damage.

The attached monitor log indicates the time interval and trigger level for the study. No events were recorded. Therefore, vibrations at the above noted location were below the 0.02 in/s trigger level and well below the threshold limits recommended by the U.S. Bureau of Mines.

The lack of data collected during the one-time blasting event suggests that structural damage near the monitoring location due to ground vibrations during the blast would have been extremely unlikely. Vibration intensity may vary from the results of this one-time study during future blasts. Charge weight, number of charges, blast efficiency, and subsurface conditions (i.e., an unconsolidated alluvium vs. solid bedrock medium will transmit vibrations differently) will all affect the vibration amplitude experienced at a given distance and direction from the blast.

Riley Champneys

Riley Champneys
Reviewed By

Landmark Testing and Engineering Representative

An event report monitor log is attached to complete this inspection report.

795 EAST FACTORY DRIVE · ST. GEORGE, UT 84790 · PHONE: (435) 986-0566 · FAX (435) 986-0568

¹ Rosenthal, M.F., and Morlock, G.L., 1987, Blasting Guidance Manual; U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement, March 1987

PCI

Event Report: Monitor Log - BlastMate III # BA14795-Compliance

Start Time	End Time	Status
Jun 14 /13 11:17:40	Jun 14 /13 11:31:51	SERIAL NUMBER: BA14795 No events recorded. (Keyboard Exit) Geo: 0.0200 in/s

Client Name: [REDACTED]
Location: [REDACTED]
Inspector: [REDACTED]
Date: [REDACTED]

This report summarizes the results of a compliance testing performed on the [REDACTED] on [REDACTED] at [REDACTED].

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

The testing was performed in accordance with the requirements of the [REDACTED] and the results are as follows: [REDACTED]

PCR ITEM 6B

CUP / Tow & Impound Yard

PLANNING COMMISSION AGENDA REPORT: 08/13/2013
CITY COUNCIL MEETING: 08/15/2013

CONDITIONAL USE PERMIT

Tow & Impound Yard

Case # 2013-CUP-012

Request: A conditional use permit for permission to establish a towing and impound yard in the old industrial park.

Building: Existing buildings on property

Applicant (Lessee): Mr. Tyler Satterfield
Epic Motor Sports LLC
2380 E 50 S
St George, Utah 84790

Zone: M-1 (Industrial)

General Plan: Industrial

Location: 769 N Red Rock Road

Ordinance (Use): Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section 10-11-2 "Uses"

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

	M-1	M-2
ATVs and parts sales and repair (indoor only)	N	P
Auto salvage yard, storage yards for wrecked or partially dismantled vehicles	C	N
Automobile repair shop	P	N


Ordinance (Screening): Per Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section 10-11-4 "Special Provisions" the old industrial park allows chainlike fencing with slats for screening (see below)

10-11-4: SPECIAL PROVISIONS:

- A. **Storage Enclosed:** All storage except vehicles in running order shall be stored in an enclosed building or within an enclosure surrounded by a solid fence or wall of not less than six feet (6')

in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall. A solid masonry wall or solid vinyl fence shall be used parallel to the public street(s) where the storage is visible from the public street. Chainlink fencing with slats may only be used for enclosing storage areas in the following situations:

B.

1. After a minimum of three hundred (300) linear feet of solid fencing or wall has been provided to screen the designated storage area, then the remainder of the storage area may upon approval by the planning commission utilize chainlink fencing with slats or other approved alternative screening solutions along the public street frontage.
2. Along the interior property lines (or interior fence lines); chainlink without slats may be used. (Ord. 2009-06-001, 6-18-2009)
3.  Along the public street frontage at approved setback distances in the area known as the St. George industrial park, M-1 zone (in section 20, T42S, R15W). (Ord. 2011-08-003, 8-4-2011)

If a movable gate is used, it may be constructed of chainlink, chainlink with slats, wrought iron, solid, or perforated metal.

All chain link fencing with vinyl slats shall be maintained in good condition; all fallen, broken, or missing slats shall be replaced. No wooden slats may be used. (Ord. 2009-06-001, 6-18-2009)

Ordinance (Barbed Wire): Per Zoning Ordinance Title 10, Chapter 18 "Walls, Fences, and Hedges," Section 10-18-6 barbed wire may be used, but not razor wire.

10-18-6 BARBED WIRE

Barbed wire, razor ribbon and similar fencing material shall be prohibited in all zones **except** agricultural, **manufacturing** and certain commercial zones. In agricultural, manufacturing and commercial zones where permitted and for agricultural uses in the residential estates zone, the use of barbed wire, razor ribbon and similar material shall conform to the following restrictions:

- A. Barbed wire, razor ribbon or similar material **shall be pulled straight** and not rolled or coiled.
- B. Straight strands of barbed wire and similar material on top of fences or walls shall **not exceed** a combined fence and barbed wire height of **seven feet (7')**.
- C. In commercial zones, barbed wire or similar material shall not be used within the twenty foot (20') front setback area, nor along any common lot line with a residential zone or residential development.
- D. Barbed wire and similar material is prohibited in C-1 and C-4 commercial zones. (Ord. 2007-06-003, 6-7-2007)

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects if imposed as a condition of approval:

Yes	N/A	Category	Description
Control all noise levels to prevent disturbance of neighbors.		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Comply with Local, State, and Federal air quality		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
Contain all odors to meet city and state standards		C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
Any exterior materials to be approved by PC & CC		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
PC to Discuss traffic as required.		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
Existing building – no change	X	G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.

	X	H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
Comply with State standards		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

APPLICANT'S NARRATIVE

The property outlined at 769 red rock rd in this c.u.p. application will be used for the purposes of storage and impound of vehicles from epic motor sports llc located a half a block south at 649 red rock rd. This location will increase the storage area at 649 red rock rd and allow the business to function without constraints of space needed for this purpose. Epic motor sports llc currently provides towing service for the st george dispatch on their rotation as well as UTAH highway patrol and their rotation for towing and impound. These are the primary sources of vehicles to be stored until sold or auctioned.

The property has been brought up to state tax impound standards with fencing, roadbase, barbed wire and signage displaying contact and office information and location at the 649 red rock rd building. A bond and insurance naming st goerge dispatch the certificate holder is currently in force at both this location and the 649 red rock rd.



770 N Street and Red Rock Rd - aerial 1

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sgcity/maps>

July 18, 2013



770 N Street and Red Rock Rd - aerial 2

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sgcity/maps>

July 18, 2013



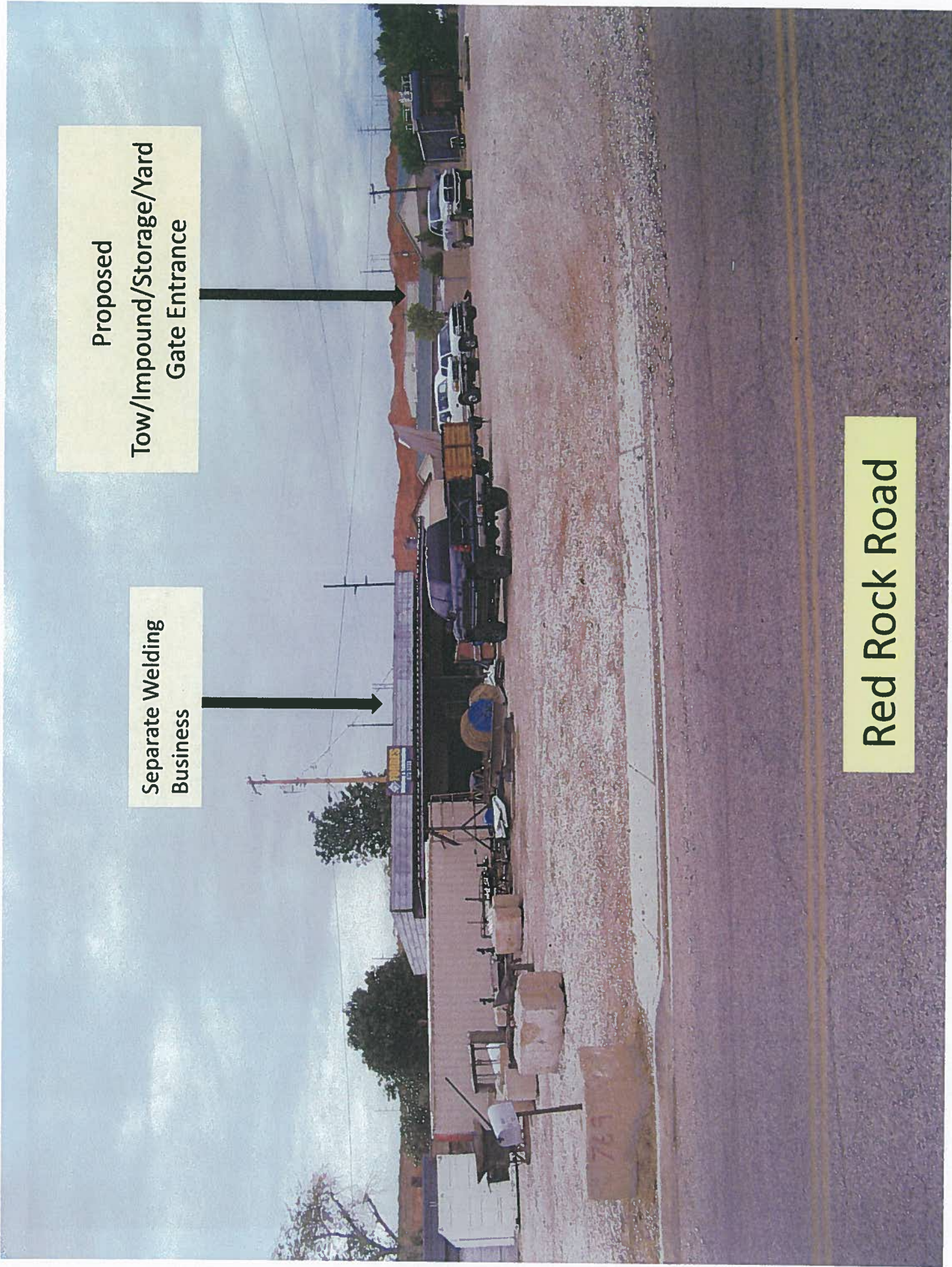
Chain Link
with Slats

Storage
Area



Red Rock Road





Proposed
Tow/Impound/Storage/Yard
Gate Entrance

Separate Welding
Business

Red Rock Road

EPIC MOTOR SPORTS LLC #2

765 Red rock rd.

435 669 1558

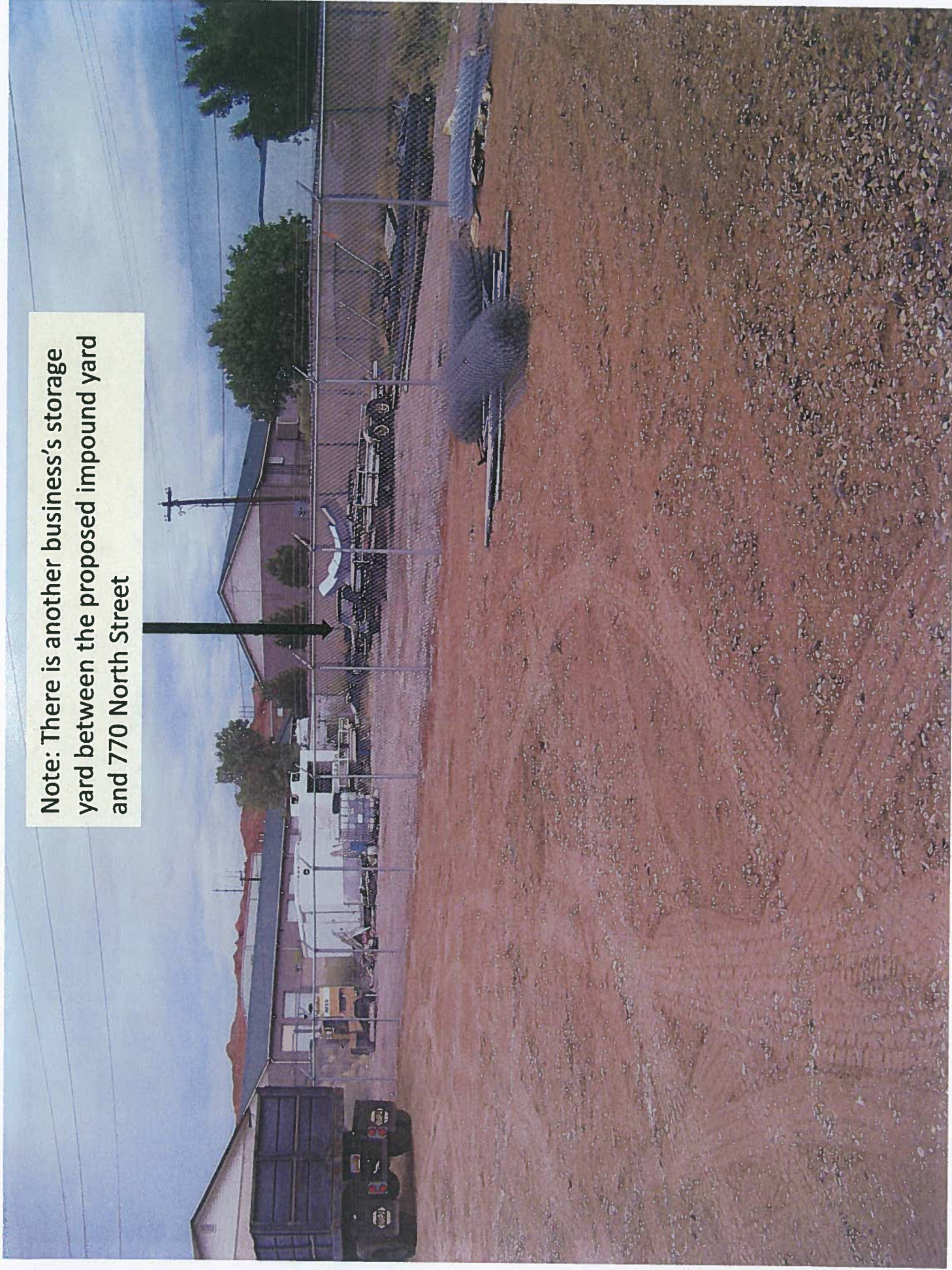
office located at: 649 red rock rd

Hours 9 AM - 5 PM Mon-Fri

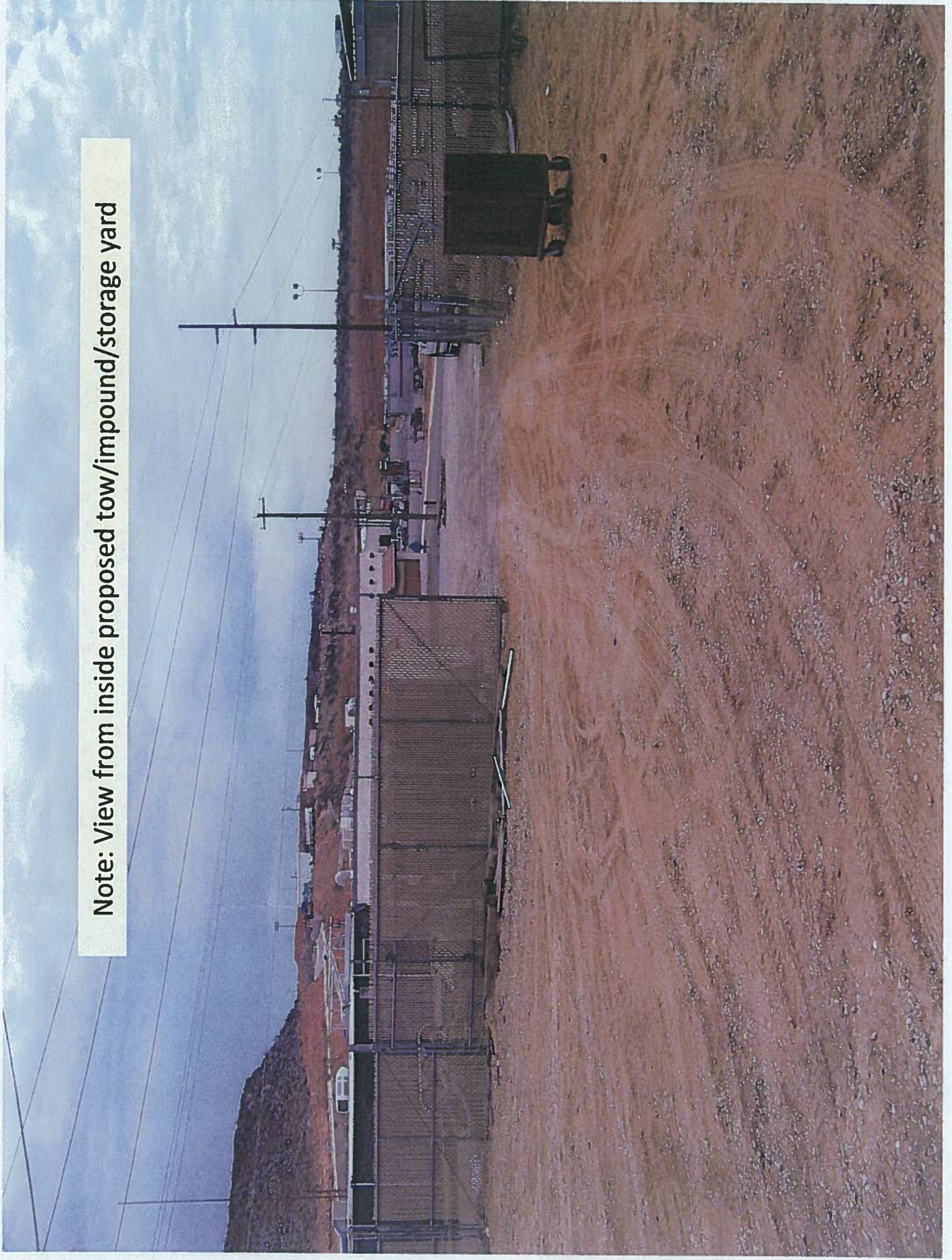
STATE IMPOUND YARD#



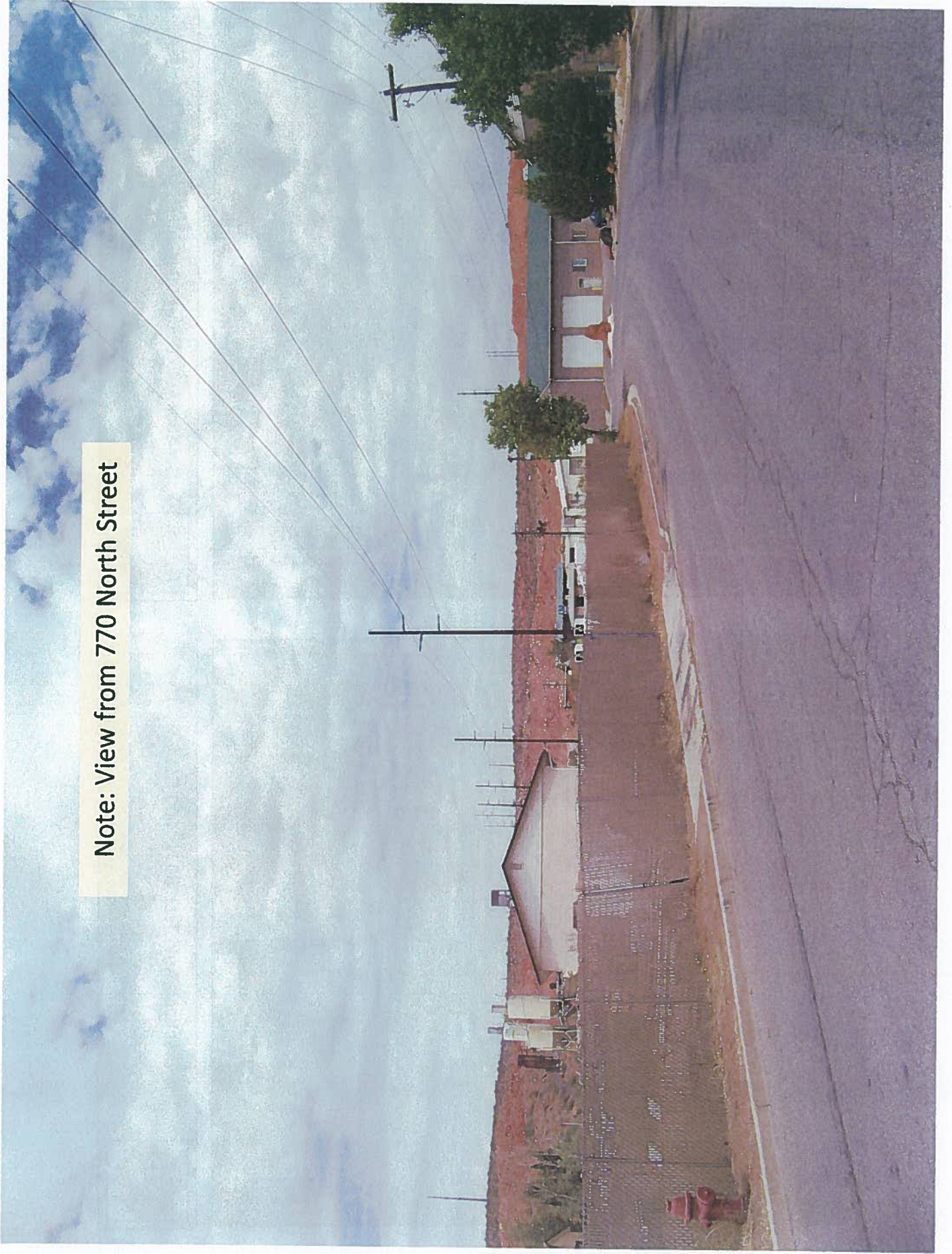
Note: There is another business's storage yard between the proposed impound yard and 770 North Street



Note: View from inside proposed tow/impound/storage yard



Note: View from 770 North Street

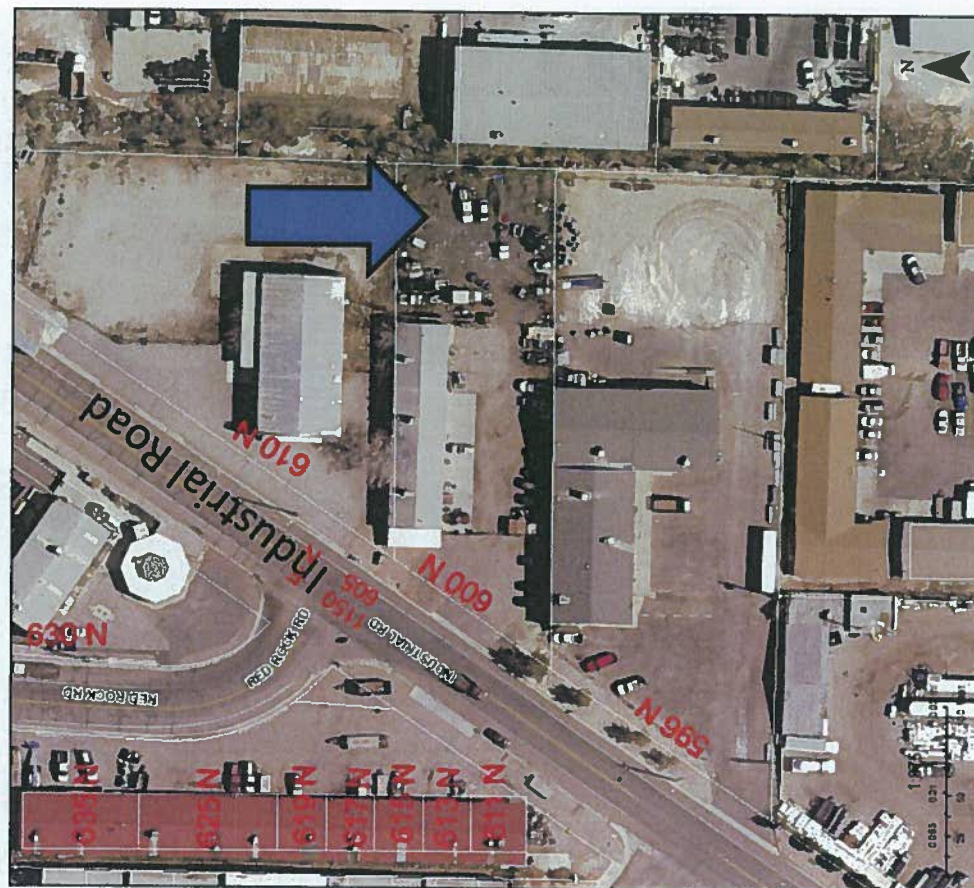




Bracken's Auto Tech 86 N 1000 E

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sdcitymaps>

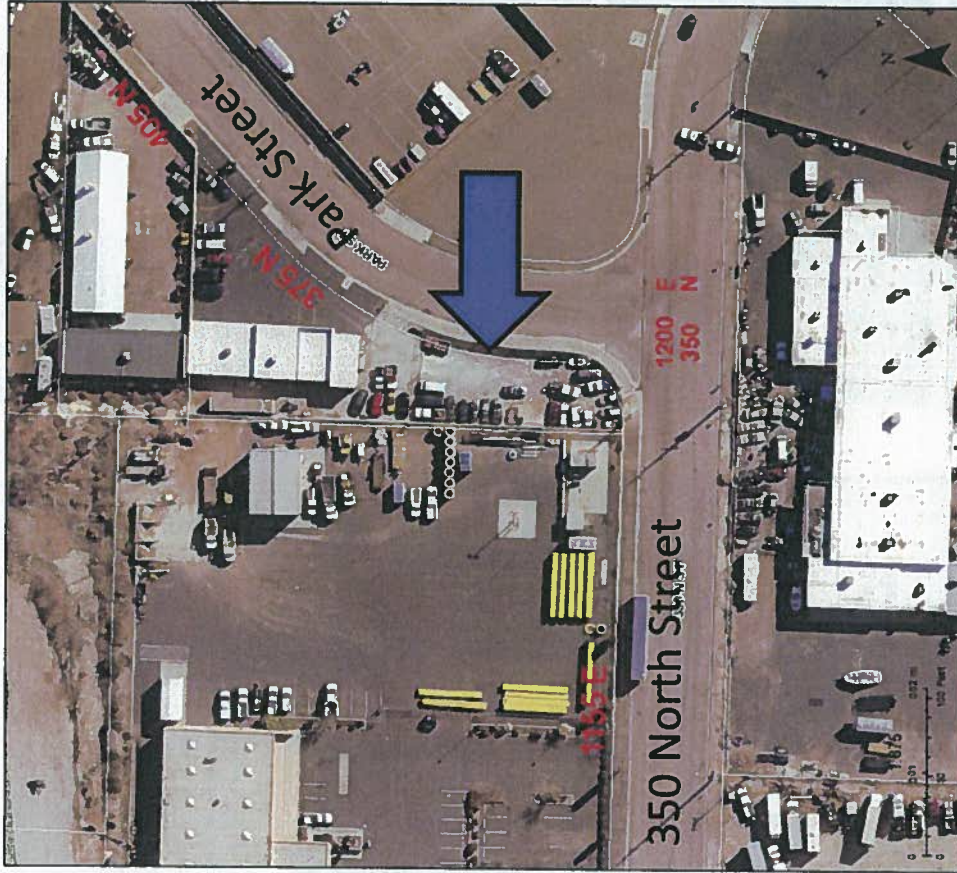
July 18, 2013



Superior Auto Body 600 N Industrial Road

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcity.org/sgcitymaps>

July 18, 2013



Harrison 375 N Park Street

Made by the City of St. George GIS Department
SGCityMaps - <http://maps.sgcly.org/sgcitymaps>

July 18, 2013

LOW COST TOWING



AUTO ★ TRUCK ★ RV

- Heavy, Medium & Light Duty Serving All of Southern Utah
- Lock Outs • Jump Starts • Load Shifts • Damage Free
- Flat Tires • Fuel Delivery • Secured Storage • Flat Beds / Roll Back
- 24-Hour Local & Long Distance Towing

435-680-7111

756 North Dixie Drive • St. George, Utah

www.freedomtowing.webs.com

24 HOUR TOWING OVER 18 YEARS EXPERIENCE



Harrison Towing & Repair
 LOCK OUTS • CHANGE FLAT TIRES
 JUMP STARTS • OFF ROAD RECOVERY
435/680-2837
 PICK UP JUNK VEHICLES FOR FREE!

TOURS-OPERATORS & PROMOTERS

ATV & Jeep Adventures 525 Terrace Circle St George	656-2887
Bryce Zion Trail Rides Zion National Park Roadside	772-3810
Color Land Tours 82 N 1210 West St George	673-8887
Educational Tours 1079 E Riverside Dr Ste 101 St George	656-4849
Extreme Desert ATV Tours 15 W 650 South Hurricane	635-0843
Mammoth Travel www.mammothtravel.com	231-1546
Rona Daniel • Holy Lands Revealed 6380 S 1300 East #150 Salt Lake City	800 272-7882
Skyhawk Helicopter Services 800 W 2300 South Hurricane	674-0524
Southern Utah Adventure Center 133 W 850 St. George	635-0907
Thunder Mountain Motorsports 530 N Hwy 143 Brian Head Utah Offroad Outfitters 1450 S Sawhill Dr Washington	677-2288 627-4868

TOWING-AUTOMOTIVE

A-1 Action Anytime Towing 1145 N. Main St. Cedar City	435-5574 310-0470
AAA EMERGENCY ROAD SERVICE-WINDER TOWING 468 E 800 North Hurricane (See Our Ad on P.140 & P.142)	800 300-5574 635-2231
AAA TOWING 86 N 1000 Loop (1-15 North Exit 8) St George (See Our Ad on P.140 & P.142)	673-8028 887 8000

Andrus Towing Inc
Roadside Service
 • TIRES • JUMP STARTS
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24-Hour Service
 3 Bay Dock To Transfer Loads
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 • LONG & SHORT HAULS
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Secure Indoor Storage
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 Cold Storage Available
 For REEFER LOADS

435-656-2141
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24 HOUR TOWING
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 POADS OF SERVICE-FLAT TIRE REPAIR • JUMP STARTS • GAS RUNS
 TOWING SOUTHERN UTAH • LICENSED & INSURED

435-635-2189
 FAST RESPONSE CALL NOW!

FREE Towing
 Hurricane, UT
 435-635-2189

AAA Emergency Road Service
 Certified Locksmith
 • Local & Long Distance
 • Fast & Reliable
 • Fully Insured For Your Protection

Winder Towing
 24-Hour Service
 485 E. 800 N. Hurricane, UT
635-2231

Bracken's AUTO/TECH
 Complete Auto Service Center
 Autos • Trucks • RV's
24 Hour Towing
 Independent Contractor

673-8828 1-800-673-8818
 88 North 1000 East • I-15 N. Exit 8

ANDRUS TOWING INC 24 Hour Service	656-2141
BALLARD AUTO WRECKING & REPAIR SERVICE 580 N. Side Hurricane Brackshaw Chevrolet-Buick 350 N. Main St. Cedar City	635-3310 590-1187 800 594-8912
Bryce Canyon Towing Bryce Cheap Slim Auto Repair Ask For Christy Day & Night Towing Express	834-5222 652-0702 773-7416
DEALER COLLISION TOWING 106 W 1700 South St. George	467-5201 800 320-4631
Del Ray's Auto Body 1481 N. Main St. Cedar City (See Our Ad on P.140 & P.142)	586-2266

Towing-Automotive (Cont)

DIXIE AUTO BODY & TOWING

**24 HOUR
TOWING**
680-3801

515 N 1400 East St George..... **673-3800**

EAGLE TIRE

Serving So Utah..... **467-1045**

FREEDOM TOWING

756 N Dixie Dr St George..... **680-7111**

Glen's Mobile Repair Serving UT AZ NV..... **628-9737**

Harley's Garage..... **702-346-5221**

272 W Mesquite Blvd Mesquite..... **680-2837**

HARRISON TOWING & REPAIR..... **680-2837**

Serving Southern Utah..... **680-2837**

(See Our Ad On PAGE 900)

HONEST - 1 AUTO CARE

(See Our Ad On PAGE 900)

HONEST - 1 AUTO CARE

(See Our Ad On PAGE 900)

TOWING &

(See Our Ad On PAGE 900)

AUTO REPAIR

(See Our Ad On PAGE 900)

Local & Long Distance

Emergency Roadside Service

Repair Under Hood, Under Car

595 N Bluff Street..... **435-658-8661**

Lunt Motor Co Tell Fire..... **800-242-6591**

Lunt Motor Towing..... **569-1383**

Plaza Call..... **702-346-8055**

Mesquite Towing Company..... **867-8000**

780 Helen Ln Sta K&I Mesquite..... **867-8000**

Mountain Towing..... **867-8000**

NEWBY BUICK - GMC TRUCK..... **867-8000**

1629 S Convention Center Dr St George..... **867-8000**

After Hours..... **867-8000**

(See Our Ad On PAGE 139)

PARKWAY TOWING

1010 N Main Cedar City..... **463-8697**

Quality Towing 650 Hardy Way Sta 106 Mesquite..... **702-346-0973**

RED RYDER TOWING..... **635-2189**

Serving Southern Utah..... **635-2189**

(See Our Ad On PREVIOUS PAGE)

ST GEORGE TOWING & RECOVERY

643 S 1000 East St George..... **628-1222**

Streamline Towing..... **874-1555**

680 N State St Hildale..... **928-347-5869**

Th State Towing 4046 E Firm Rd Desert Springs..... **673-1628**

Troy's Custom Body & Paint Inc..... **680-0191**

135 S 200 W Hite..... **635-2231**

Turner's Auto Body & Paint Inc..... **635-2231**

Winder Towing & Locksmith..... **635-2231**

465 E 800 North Hurricane..... **635-2231**

ZION MOTORS TOWING..... **635-2231**

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24 HOUR TOWING

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Flatbed Towing

Quick Response

Wreck Master Certified

950 South Bluff Street..... **435-673-3525**

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TOWING-TRUCKS

ANDRUS TOWING INC

24 Hour Service..... **656-2141**

(See Our Ad On PREVIOUS PAGE)

FREEDOM TOWING

756 N Dixie Dr St George..... **680-7111**

(See Our Ad On PAGE 900)

GLEN'S MOBILE REPAIR

Serving UT AZ NV..... **628-9737**

St George Towing & Recovery..... **628-1222**

643 S 1000 East St George..... **628-1222**

TOWNHOUSES

Desert Winds Patio Homes..... **702-346-8383**

101 Desert Winds Way Mesquite..... **702-346-8383**

Hidden Valley Heights..... **688-8601**

3155 S Hidden Valley Dr St George..... **688-8601**

Ridge Townhouse Association..... **628-6104**

446 Ridgeway Dr St George..... **628-6104**

PCR ITEM 6C

CUP - Natural Gas Facility

PLANNING COMMISSION AGENDA REPORT: 04/23/2013 (Tabled)
PLANNING COMMISSION AGENDA REPORT: 06/11/2013
CITY COUNCIL MEETING: 06/20/2013 (Tabled)
CITY COUNCIL MEETING: 08/15/2013

CONDITIONAL USE PERMIT:
Case # 2013-CUP-003

Background: This item was previously tabled by the City Council to allow the applicant time to return with a detailed landscape plan and revised renderings. The applicant submitted plans to the City Park Planning Division which reviewed them, recommended changes, and is now recommending them to the Council for approval.

Request: Consider a request for a conditional use permit for 1) a proposed "Unmanned Natural Gas Regulator Station & Launcher / Receiver Facility (a control room and a regulator station building), 2) an associated forty foot (40') high data transmission tower," 3) an eight foot (8') high wall around the site, and 4) site development mitigation, and 5) landscaping.

Reference: Case No. 2013-HS-003 (Note item #4 on this PCR agenda)

Project Overview: In a location near Central Utah, Questar Gas is installing a compressor station that will increase the transmission pressure in the pipeline between Central and St George. Here in St George it is proposed to install a regulator station site (WH0030) that will reduce the pressure back down to the current maximum allowable operating pressure of 720 psig. This project will allow Questar to continue to serve gas to St George City Power and to the residents of St George and the surrounding communities.

Location: This property is located at the southwest corner of Bluff Street and Snow Canyon Parkway.

Property Owner: SITLA

Applicant: Questar Gas

Representative: Mr. Brent Morgan
Ensign Engineering
45 West 10000 South, Ste 500
Sandy, Utah 84070

Area: 7.22 acres.

Zoning: R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and OS (Open Space)

Ordinances: Facility
Per Section 10-7B-3 a conditional use permit is required for a public utility.

Development Plan
Per Section 10-17-6 a development plan is required (includes a site plan and elevations). Also comply with all other applicable Sections of Title 10 Chapter 17.

Tower
Per Section 10-22-5 a conditional use permit is required for a tower over thirty-five feet (35') high.

Walls and Fencing
Per Section 10-18-5 fencing is required to protect and screen the facility.

Landscaping
Project shall comply with Title 10 Chapter 25 'Landscaping' requirements.

Comments: Staff has not received any opposition to this request. The Planning Commission recommended approval and suggested the following conditions:

1. Facility; the site plan (Concept 8) and elevations shall be as presented to the City Council on June 20th.
2. Tower; the forty foot (40') data transmission tower is recommended for approval to the City Council.
3. Wall/Fencing; allow an eight foot (8') high solid pre-fabricated concrete wall as presented. The eight feet (8') height is required for facility safety.
4. Access; utility maintenance access shall only be from Snow Canyon Parkway (as the City Traffic engineer and UDOT approves).
5. Hillside Mitigation (no scarring); mitigation shall be as recommended for the hillside permit (reference Case No. 2013-HS-003). The west hillside and east hillside of the site shall be mitigated to blend-in and match the natural undisturbed hillside. This shall be accomplished by a combination of matting, seeding, mulch, and setting rock and rock barriers. Soil colorization and aesthetic mitigation may also be required as presented (by working with a company such as Soil Tech that specializes in this field). The mitigation shall also be designed to not erode and shall be maintained.

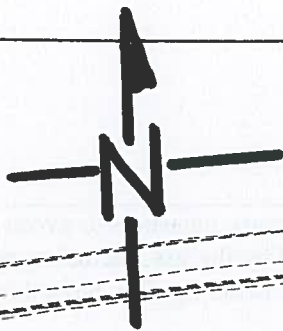
6. Landscaping: This site shall have contiguous landscaping complimentary to the design selected by UDOT for the adjacent new interchange (excepting those hillside areas as described in item #5 above). The City Traffic Engineer shall work closely with UDOT and City staff to coordinate this effort.
7. Ground Surface Area: the surface area / aggregate base / rock color shall not be red as shown in the renderings, but shall instead be a color complimentary to the natural environment.
8. Piping: The exposed above ground piping color shall be colored to blend with the natural environment
9. SPR: Submit a SPR (Site Plan Review) application along with the required civil engineering plans for staff review and processing.

Findings:

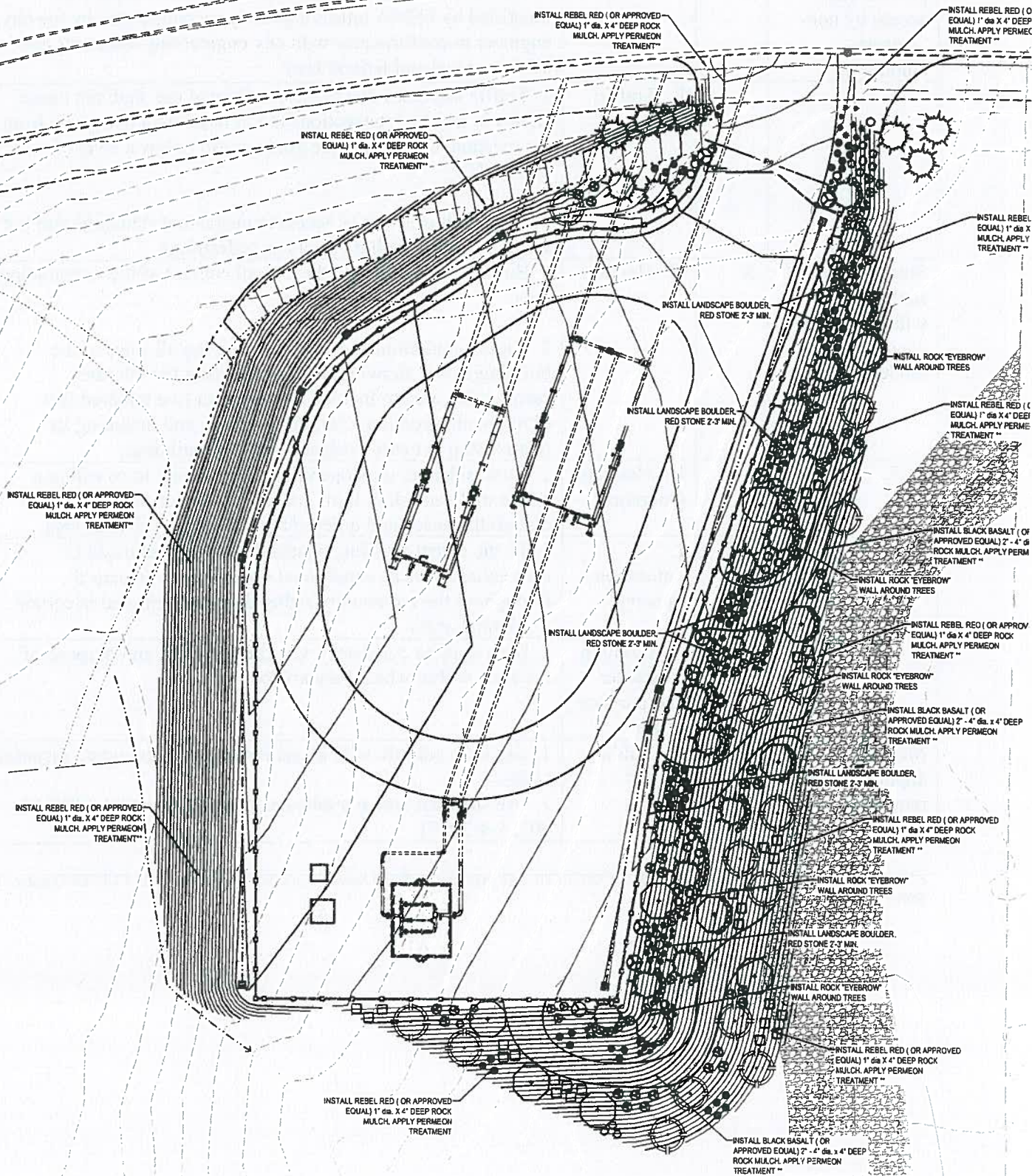
The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
Contain all noise on site		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Mitigate all dust during construction. Mitigate any exposed earth (by grading activity) with seeding and planting		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
Meet all applicable codes		C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
Landscaping and fencing shall be used to mitigate site aesthetics		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.

Meet all applicable fire codes Fencing shall prevent site access by non-Questar employees		E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
		F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
Single story and shall comply with approved elevations and rendering	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
24/7		H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>
	X	I. Saturation / Spacing	<p>1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas</p>
		J. Maintain Character and purpose of zone	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
Meet all applicable state requirements		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>



SNOW CANYON-PKWY





3 NORTH PERSPECTIVE ONLY QUESTAR




QUESTAR GAS
SNOOK CANYON PARKWAY
SNOOK, ARIZONA 86089
PHOTOGRAPHED BY
QUESTAR GAS
PHOTOGRAPHED BY
QUESTAR GAS

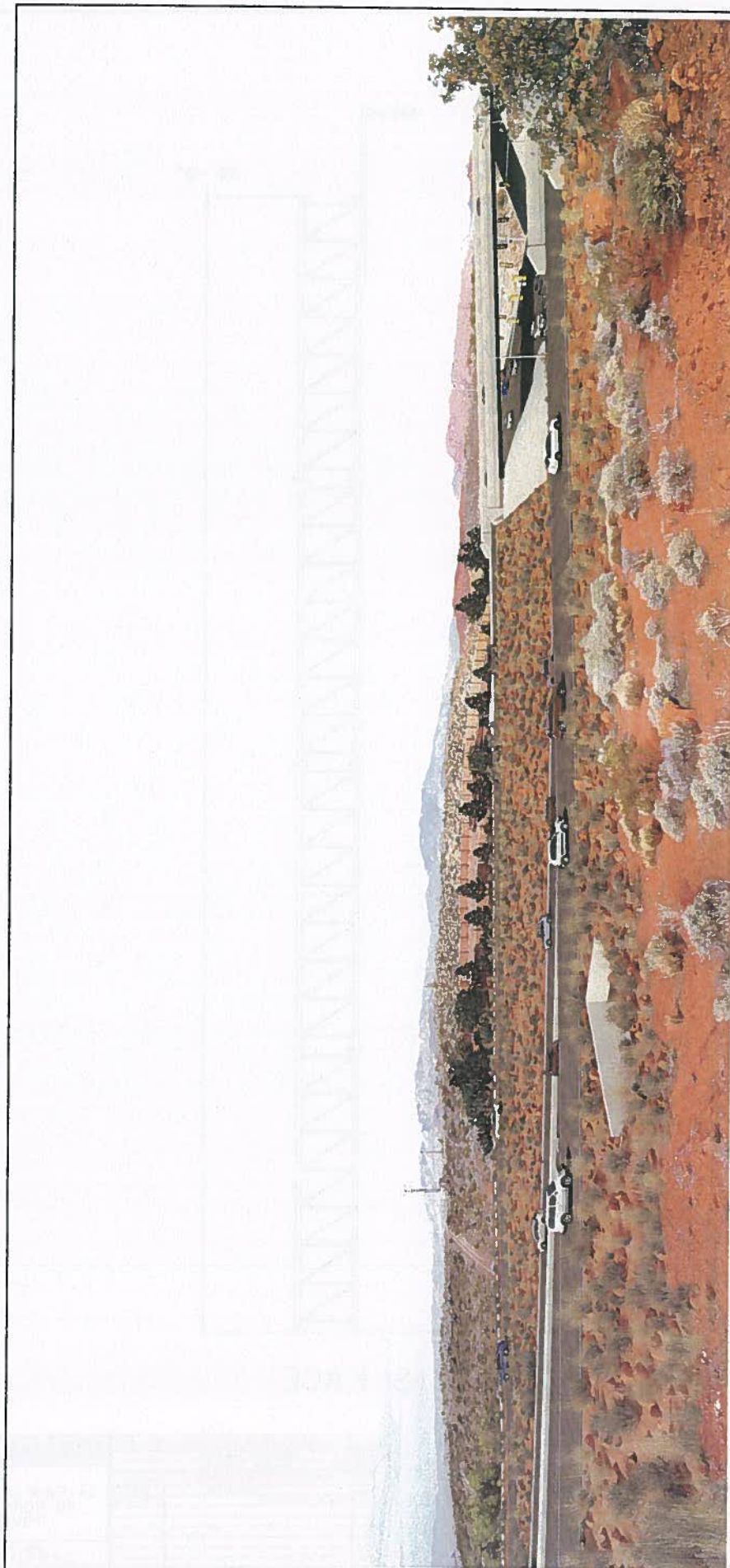
ENGINEERING RECORD	
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DATE	QUESTAR GAS
DESIGNER	QUESTAR GAS
CONTRACT NO.	QUESTAR GAS
SECTION	QUESTAR GAS
DATE	QUESTAR GAS
BY	QUESTAR GAS
CHECKED	QUESTAR GAS
APPROVED	QUESTAR GAS



① NORTH PERSPECTIVE QUESTAR AND LOT

		QUESTAR GAS SHOW CANYON PARKWAY ST. GEORGE UTAH WH0030 REGULATOR BUILDING	
ENGINEERING RECORD PROJECT: <input type="text"/> NO. <input type="text"/> SHEET NO. <input type="text"/> OF <input type="text"/> DATE: <input type="text"/>		SCALE: <input type="text"/> SHEET NO. <input type="text"/> CONCEPT: <input type="text"/>	
PREPARED BY: <input type="text"/> CHECKED BY: <input type="text"/> DATE: <input type="text"/>		DESIGNED BY: <input type="text"/> DATE: <input type="text"/>	
REVIEWED BY: <input type="text"/> DATE: <input type="text"/>		APPROVED BY: <input type="text"/> DATE: <input type="text"/>	

BULLY LANE CITY
 1000 E. 1000 S.
 ST. GEORGE, UT 84770
 PHONE: 435.772.1100
 FAX: 435.772.1101
 WWW.BULLYLANECITY.UTAH.GOV



SALT LAKE CITY
at West Valley South
Suite 100
Phone 973-7612
Fax 973-7614
10-AM - 5-30-PM daily

LAYTON
Phone 943-1100

POOLS
Phone 943-1100

GRAND CITY
Phone 943-1403

WEEKEND & 24-HR. FULL SERVICE & MOBILE

INVESTMENT PROPOSAL

P. H. W.D. •

APPROVED FOR COUNTY	DATE
APPROVED BY	DATE

CONSUMING LONGEVITY

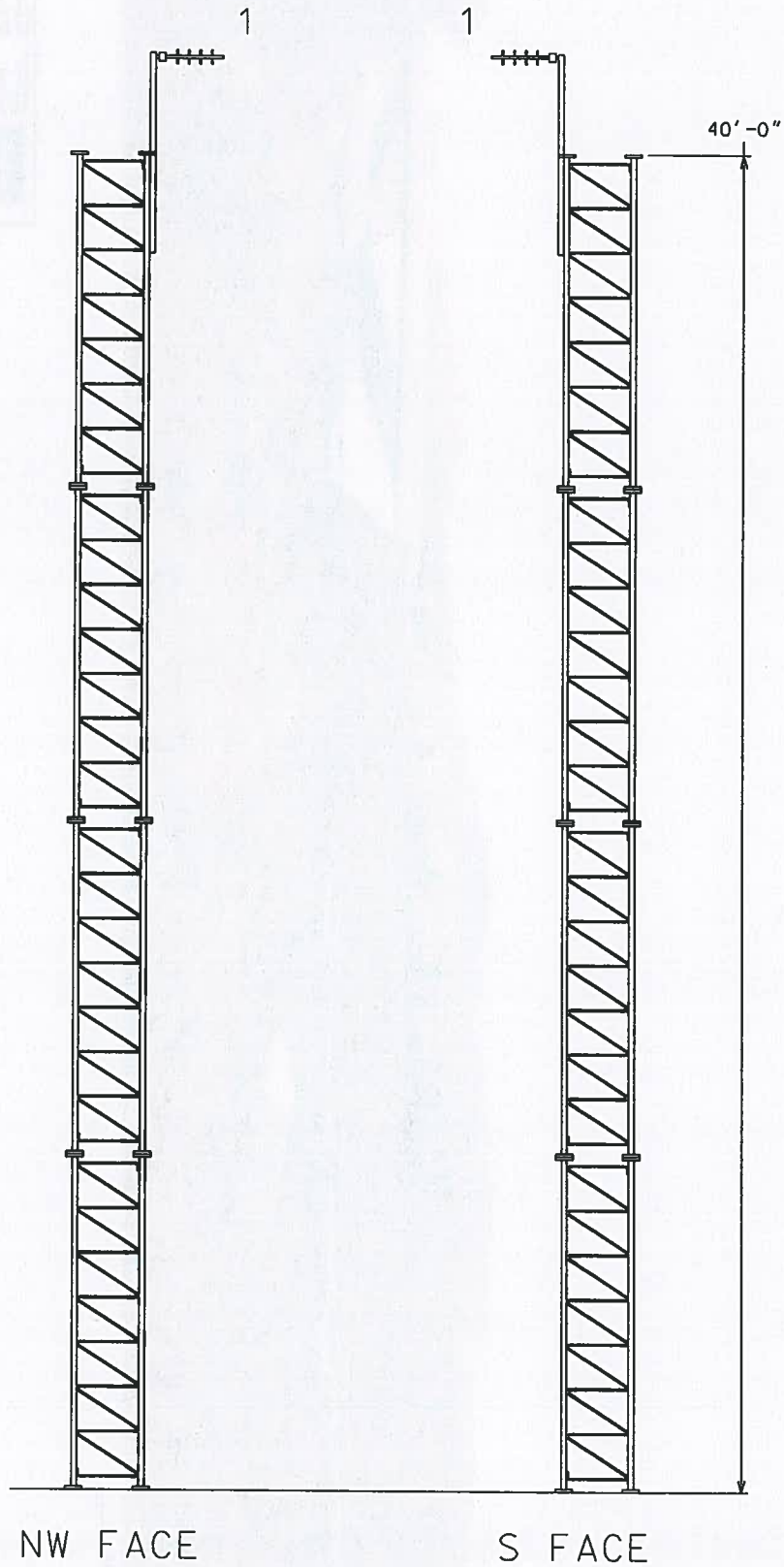
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REVISIONS

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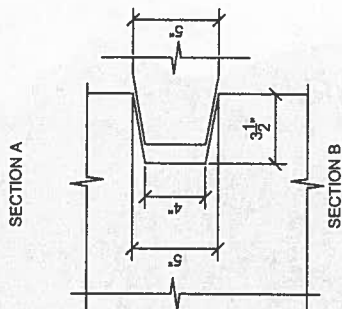
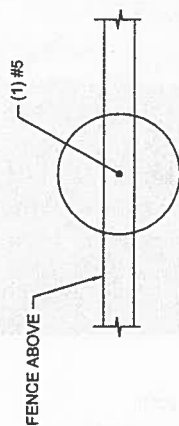
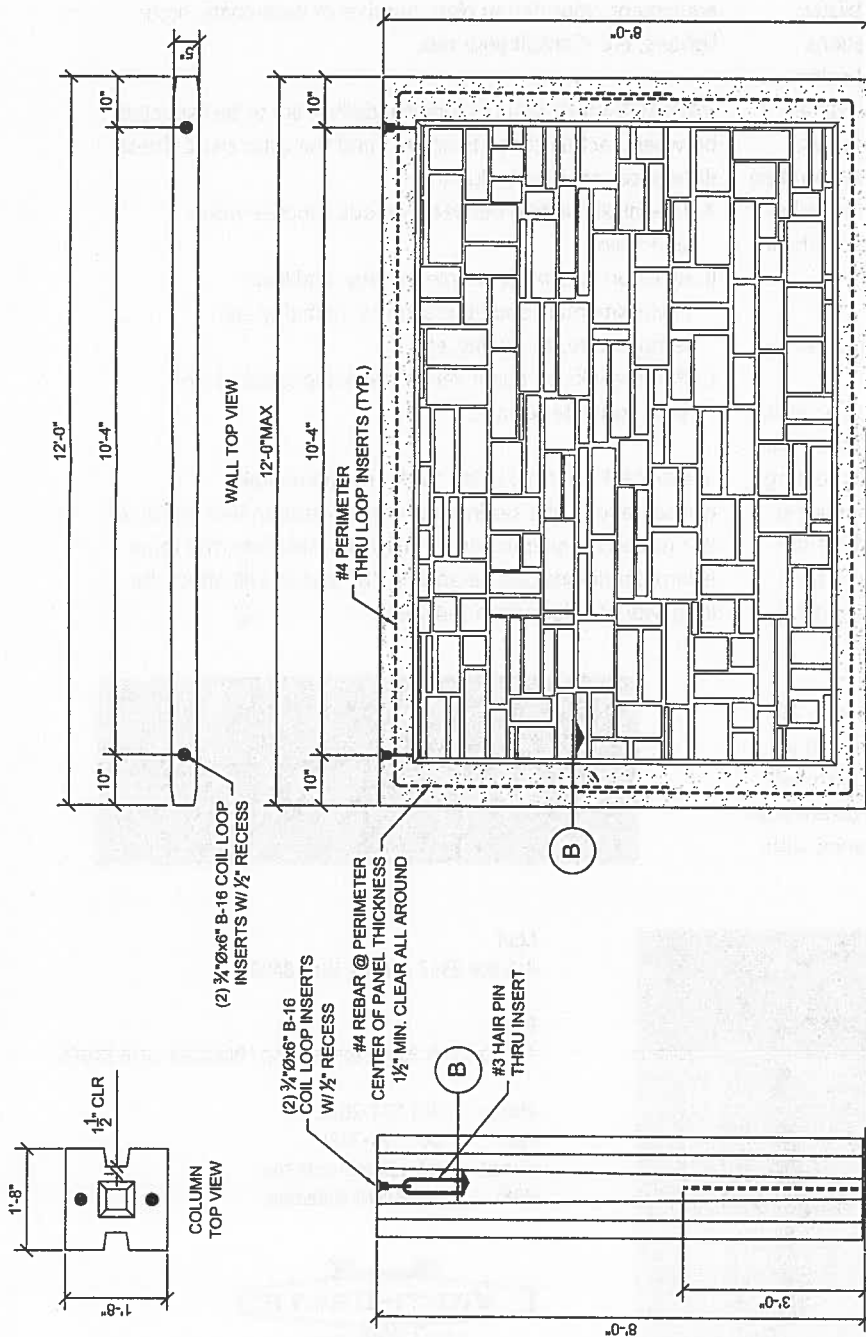
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2							
1	3	Yagi	NO	44	W LEG	New iNET to Utah Hill	QGC
ANT	SIZE	MOD	RAD	ELEV	LEG	DEST OR AZIMUTH	OWNER

ENGINEERING RECORD	
DATE	3/6/2013 TMD/DG
DRAWN BY	R. Jensen
REVISIONS	
NO.	DESCRIPTION
1	Tower proposed

QUESTAR	GAS CO
ST. George WH0030	
40' ROHN 65G	
TOWER	
DRWG. NO.	REV. NO.
A495001S	1



TYP. 8' PANEL, PIER & POST

CONCRETE	
f'c = 5,000 PSI	fcd = 2,500 PSI
SUMP: 4'-9"	FPU: N/A
FINISH: PATTERN	MIX: TBD
WEIGHT: 150 LBS. PCF.	AIR: 5%
VOLUME: TBD	SHIPPING WT: TBD

LOWELL
PRECAST

16500 SOUTH 500 WEST
BLUFFDALE, UTAH 84085
PHONE: (801) 571-5041
FAX: (801) 678-0115

<u>SHEET TITLE:</u>	<u>CHECKED BY:</u>
SOUND WALL	R.B.
<u>DRAWN BY:</u>	<u>SHEET #</u>
J.A.	
<u>DATE:</u>	
3-1-10	

NOTES:

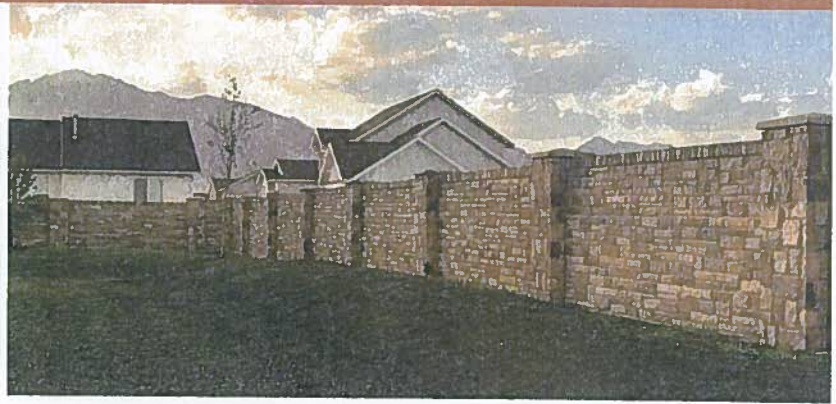
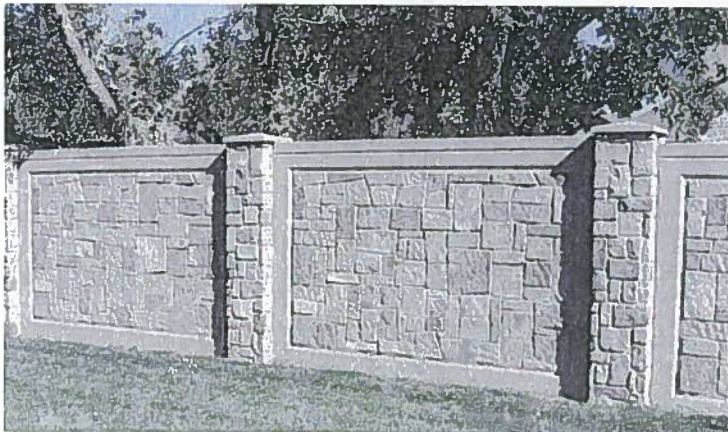
1. POST AND PANEL CONCRETE TO BE 5000 PSI.
2. FOOTING CONCRETE TO BE 3000 PSI.
3. MINIMUM SOIL LATERAL BEARING ALLOWABLE: 150 PSF/FT.
4. MINIMUM ALLOWABLE SOIL BEARING PRESSURE: 2000 PSF.
5. DIMENSIONS MAY BE REDUCED TO FIT PROJECT REQUIREMENTS.
6. GROUT BETWEEN POST AND FOOTING TO BE 2500 PSI.

Verti-Crete Colors

VC*-Stain is a water-based acrylic coating designed for superior penetration into concrete. It ensures moisture proofing, color stability, and ultraviolet resistance. When properly applied it will not discolor, peel, crack, or blister. Multiple coatings are compatible for color combinations on concrete and masonry and correction of natural color imperfections. VC-stains will impart a uniform color on all forms of concrete: precast, poured, glass-fiber-reinforced, brick, stucco, and stone surfaces. Its water-based composition makes it a user-friendly product, which is solvent-free, odor-free, and safe on interior surfaces. VC-stains comply with all VOC regulations.

APPLICATION: *As a pre-requisite for all coatings, a clean surface is a must.*

- 1- Surfaces must be free of dust, oil, and external soils, which can affect adhesion and color. DO NOT use with form oils containing SILICON. For best results, any previous coating must be removed. Sealers/curing compounds containing silicons or resins must be removed or they will affect the quality of finish. Extremely smooth surfaces should be sandblasted. Some previous coatings can be compatible, however, a test-spot is definitely recommended.
- 2- VC-stains are water-dilutable, in all proportions. For best dilution (Base Coat vs. Highlighter) see your rep. All methods of application can be used: spray, roll, brush or rag touch up. Size, quantity and quality of your parts will determine your choice of equipment. For your custom plan talk to your rep. All paint equipment can be cleaned with warm-soapy water.



COVERAGE: The following variables will affect your square foot per gallon coverage: Your choice of application equipment, your design plan, number of base-coats, highlighters, etc. Consult your rep.

VARIATIONS IN COLOR tone/shade/hue are to be expected between "actual concrete colors" and the color chart. These differences are mostly due to:

- A. Chemical reaction between various concrete mixes and stains.
- B. Reaction to sun's ultraviolet energy, and local environmental conditions such as: humidity, salt, temperature, air quality, etc.
- C. Printing inks on paper versus the actual product on your concrete surface.

WARRANTY & CAUTION: With environmental considerations, the sealing/moisture protection and quality of this product is guaranteed for 10 years. However, the same enviro-conditions (see paragraph "B" above) will affect the longevity of color within 2-4 years.



Mail
P.O. Box 2347 / Sandy, Utah 84091

Plant
16500 South Pony Express Road / Bluffdale, Utah 84065

Phone 801 571-2028
Fax 801 571-3486
E-mail sales@verti-crete.com
Web www.verti-crete.com



* VC=Verti-Crete

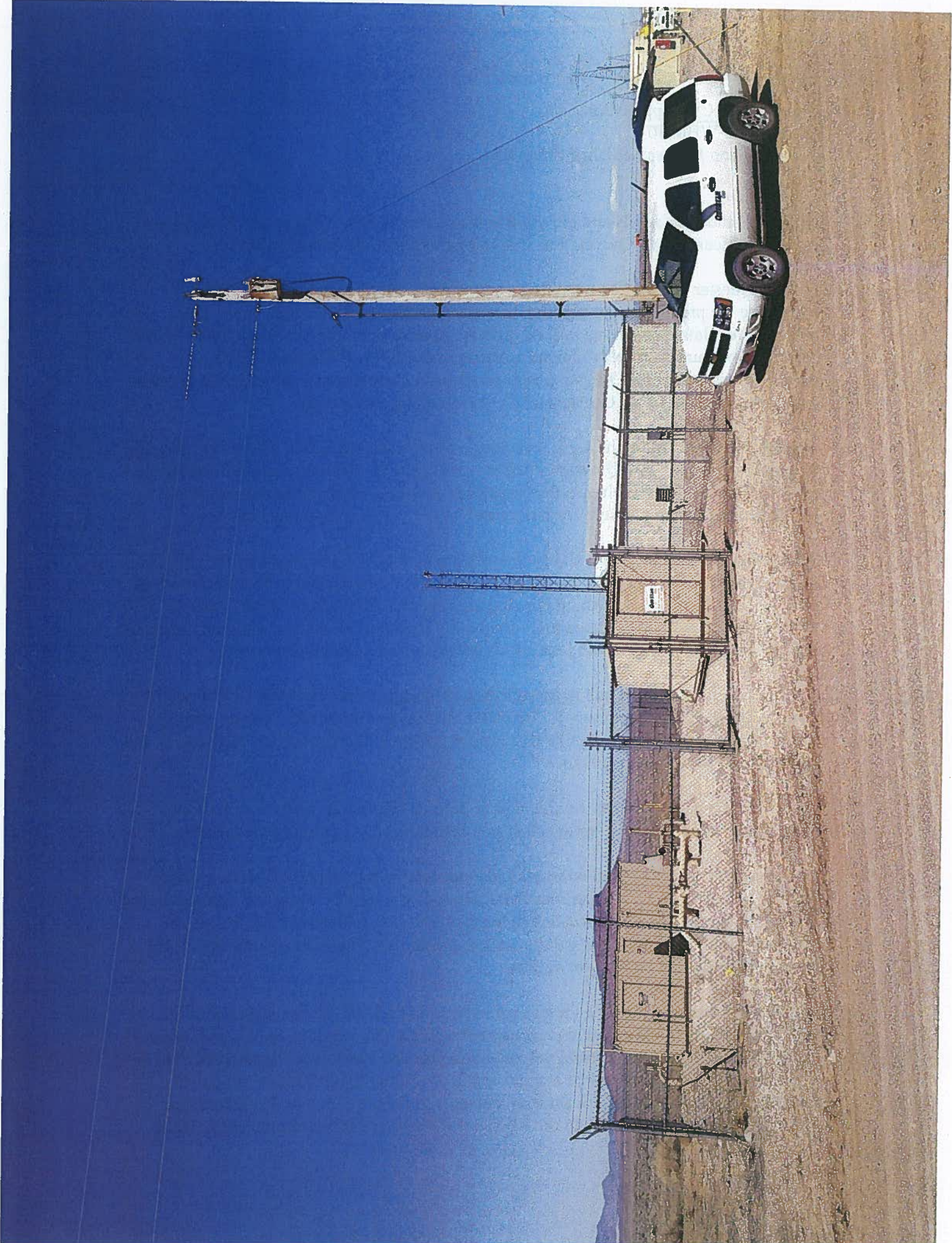


Color Chart

Colors

				
White	Limestone	Sunset	Harvest Gold	Nutmeg
				
Khaki Bronze	Beige	Washed Suede	Smokey Beige	Terra Cotta
				
Sepia	Chestnut	Western Cedar	Cocoa Brown	Dark Walnut
				
Plum	Taupe	Brick Red	Island Spruce	Blue Slate
				
Heather Grey	Stonewall	Deep Grey	Charcoal	Wrought Iron





Narrative for CUP application

Questar Gas WH0030

Snow Canyon Parkway & Bluff Street Site

In order to meet the needs and growth that has occurred in St. George and Washington County in recent years, Questar Gas is making modifications to its facilities.

In 2013 Questar Gas will be installing a compressor station near Central, Utah and increasing the pressure in the pipeline between Central and St. George, Utah. The WH0030 regulator station site will be installed to reduce the pressure back down to the current Maximum Allowable Operating Pressure (MAOP) of 720 psig. These modifications will allow Questar Gas to continue to serve gas to St. George City Power and to the residents of St. George and the surrounding communities.

The WH0030 site will include pig launching and receiving facilities. These facilities of its pipeline system allow Questar to perform maintenance cleaning runs and inspection runs. The site will also include a few structures: a control room, a regulator station building to house the pressure regulators and valves, and a communications tower.

WH0030 is an unmanned site and is controlled remotely. This necessitates the need for electric power and a communications tower. The site is anticipated to be accessed about once weekly to ensure everything is working properly. About every seven years, or as needed, the site will be accessed more frequently for a period of about a month during the regularly scheduled pigging and maintenance activities on the pipeline system.

Questar Gas has met with and is coordinating its design efforts between UDOT and St. George Engineering department to design the road access to the site. As you may be aware UDOT is planning a significant remodel project at the Snow Canyon Parkway and Bluff Street (SR-18) intersection.

Due to the existing terrain at the site, a large amount of grading work must be done. Questar is working through options that will help minimize scaring of the hillside.

During normal operations no odors should exist outside the property. This is typical to other regulator stations and facilities that Questar Gas currently owns and operates in and around St. George. During normal maintenance activities and when blow downs are required small amounts of gas will be vented into the air. The gas is odorized and will have an odor for a short amount of time.

As the gas flows through pipe there is a noise associated with it. The majority of the piping will be buried in the yard to mitigate the noise. The regulator station will house pressure reducing valves (control valves and regulators) that will generate noise. The pressure reducing valves will be located inside a building to mitigate noise. This is typical with the other regulator stations that exist in the area. Due to the geographic location of the site the hill top to the west, Snow Canyon Parkway to the north, Bluff

Street to the east, Questar does not anticipate any increase of noise due to the proposed work. It is anticipated this site will meet the St. George City noise ordinance requirements for day and nighttime operations and the road noise along Snow Canyon Parkway and Bluff Street (SR-18) will be much louder than any noise generated within the site.

The station will be designed with safety in mind. This station site will meet all local and national building code requirements, electric codes, and applicable standards. The natural gas piping will be designed to meet and exceed the State and Federal regulations for the site (Code of Federal Regulation 49 Part 192). As part of these safety requirements and security of the site, Questar Gas proposed to install 8' tall fencing around the site. Questar Gas is working with St. George City to determine the fencing requirements for the site that will provide both site security and is acceptable to the aesthetics of the site. We have had discussions of having chain link options as well as precast paneling mixed with chain link as the fencing materials.

During site construction a water truck will be onsite and used for dust control.

The final height of the structures has not yet been determined and will be finalized during the design process. There are 3 main structures proposed in the site: a control room, communications tower, and a regulator station building. The approximate sizes of these buildings are shown on the site plan.

Operational hours for the proposed facility are continuous, 24 hours a day – every day.

2 of 2

DRAFTAgenda Item Number : **6G**

Request For Council Action

Date Submitted 2013-08-06 14:38:23**Applicant** Questar Gas Co.**Quick Title** CUP for Questar Gas pressure station**Subject** Consider a request for a conditional use permit to construct a pressure regulating station on the southwest corner of the intersection of Bluff Street and Snow Canyon Parkway in a residential R-1-10 Zone.**Discussion** This request came before the City Council on June 20, 2013 and was tabled at that time in order for the applicant to revise the landscaping plan for the site. Questar has submitted revised landscape plans which have been reviewed by Mark Goble, landscape architect with the Parks Dept. Mark feels the landscape plans are in order and he will be present at the meeting to respond to any landscape questions the Council might have.**Cost** \$0.00**City Manager Recommendation** Staff has reviewed the proposed landscape plan and feel it fits in to the proposed landscaping plan for the interchange project. Mark Goble from our landscape division has been working with Questar.**Action Taken****Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget?** Amount:**Additional Comments**

CUP - Natural Gas Facility

PLANNING COMMISSION AGENDA REPORT: **04/23/2013** (Tabled)

PLANNING COMMISSION AGENDA REPORT: **06/11/2013**

CITY COUNCIL MEETING: **06/20/2013** (Tabled)

CITY COUNCIL MEETING: **08/15/2013**

CONDITIONAL USE PERMIT:

Case # 2013-CUP-003

Background: This item was previously tabled by the City Council to allow the applicant time to return with a detailed landscape plan and revised renderings. The applicant submitted plans to the City Park Planning Division which reviewed them, recommended changes, and is now recommending them to the Council for approval.

Request: Consider a request for a conditional use permit for 1) a proposed "Unmanned Natural Gas Regulator Station & Launcher / Receiver Facility (a control room and a regulator station building), 2) an associated forty foot (40') high data transmission tower," 3) an eight foot (8') high wall around the site, and 4) site development mitigation, and 5) landscaping.

Reference: Case No. 2013-HS-003 (Note item #4 on this PCR agenda)

Project Overview: In a location near Central Utah, Questar Gas is installing a compressor station that will increase the transmission pressure in the pipeline between Central and St George. Here in St George it is proposed to install a regulator station site (WH0030) that will reduce the pressure back down to the current maximum allowable operating pressure of 720 psig. This project will allow Questar to continue to serve gas to St George City Power and to the residents of St George and the surrounding communities.

Location: This property is located at the southwest corner of Bluff Street and Snow Canyon Parkway.

Property Owner: SITLA

Applicant: Questar Gas

Representative: Mr. Brent Morgan
Ensign Engineering
45 West 10000 South, Ste 500
Sandy\, Utah 84070

Area: 7.22 acres.

Zoning: R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and OS (Open Space)

Ordinances: Facility
Per Section 10-7B-3 a conditional use permit is required for a public utility.

Development Plan
Per Section 10-17-6 a development plan is required (includes a site plan and elevations). Also comply with all other applicable Sections of Title 10 Chapter 17.

Tower
Per Section 10-22-5 a conditional use permit is required for a tower over thirty-five feet (35') high.

Walls and Fencing
Per Section 10-18-5 fencing is required to protect and screen the facility.

Landscaping
Project shall comply with Title 10 Chapter 25 'Landscaping' requirements.

Comments: Staff has not received any opposition to this request. The Planning Commission recommended approval and suggested the following conditions:

1. Facility; the site plan (Concept 8) and elevations shall be as presented to the City Council on June 20th.
2. Tower; the forty foot (40') data transmission tower is recommended for approval to the City Council.
3. Wall/Fencing; allow an eight foot (8') high solid pre-fabricated concrete wall as presented. The eight feet (8') height is required for facility safety.
4. Access; utility maintenance access shall only be from Snow Canyon Parkway (as the City Traffic engineer and UDOT approves).
5. Hillside Mitigation (no scarring); mitigation shall be as recommended for the hillside permit (reference Case No. 2013-HS-003). The west hillside and east hillside of the site shall be mitigated to blend-in and match the natural undisturbed hillside. This shall be accomplished by a combination of matting, seeding, mulch, and setting rock and rock barriers. Soil colorization and aesthetic mitigation may also be required as presented (by working with a company such as Soil Tech that specializes in this field). The mitigation shall also be designed to not erode and shall be maintained.

6. Landscaping: This site shall have contiguous landscaping complimentary to the design selected by UDOT for the adjacent new interchange (excepting those hillside areas as described in item #5 above). The City Traffic Engineer shall work closely with UDOT and City staff to coordinate this effort.
7. Ground Surface Area: the surface area / aggregate base / rock color shall not be red as shown in the renderings, but shall instead be a color complimentary to the natural environment.
8. Piping: The exposed above ground piping color shall be colored to blend with the natural environment
9. SPR: Submit a SPR (Site Plan Review) application along with the required civil engineering plans for staff review and processing.

Findings:

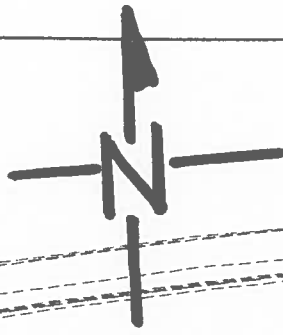
The following standards must be met to mitigate the reasonably anticipated detrimental effects if **imposed** as a condition of approval:

Yes	N/A	Category	Description
Contain all noise on site		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Mitigate all dust during construction. Mitigate any exposed earth (by grading activity) with seeding and planting		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
Meet all applicable codes		C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
Landscaping and fencing shall be used to mitigate site aesthetics		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.

Meet all applicable fire codes Fencing shall prevent site access by non-Questar employees		E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
		F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
Single story and shall comply with approved elevations and rendering	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
24/7		H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>
	X	I. Saturation / Spacing	<p>1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas</p>
		J. Maintain Character and purpose of zone	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
Meet all applicable state requirements		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>



CALL BLUESTAKES
@ 1-800-662-4111 AT LEAST 48
HOURS PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION



SNOW CANYON-PKWAY

INSTALL REBEL RED (OR APPROVED
EQUAL) 1" dia. X 4" DEEP ROCK
MULCH. APPLY PERMEON
TREATMENT**

INSTALL REBEL RED (OR APPROVED
EQUAL) 1" dia. X 4" DEEP ROCK
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INSTALL REBEL RED (OR APPROVED
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MULCH. APPLY PERMEON
TREATMENT**

INSTALL LANDSCAPE BOULDER
RED STONE 2'-3" MIN.

INSTALL LANDSCAPE BOULDER
RED STONE 2'-3" MIN.

INSTALL LANDSCAPE BOULDER
RED STONE 2'-3" MIN.

INSTALL REBEL RED (OR APPROVED
EQUAL) 1" dia. X 4" DEEP ROCK
MULCH. APPLY PERMEON
TREATMENT

INSTALL BLACK BASALT (OR
APPROVED EQUAL) 2" - 4" dia. X 4" DEEP
ROCK MULCH. APPLY PERMEON
TREATMENT**

INSTALL REBEL RED (OR APPROVED
EQUAL) 1" dia. X 4" DEEP ROCK
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TREATMENT**

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INSTALL REBEL RED (OR APPROVED
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MULCH. APPLY PERMEON
TREATMENT**

INSTALL ROCK "EYEBROW"
WALL AROUND TREES

INSTALL BLACK BASALT (OR
APPROVED EQUAL) 2" - 4" dia. X 4" DEEP
ROCK MULCH. APPLY PERMEON
TREATMENT**

INSTALL ROCK "EYEBROW"
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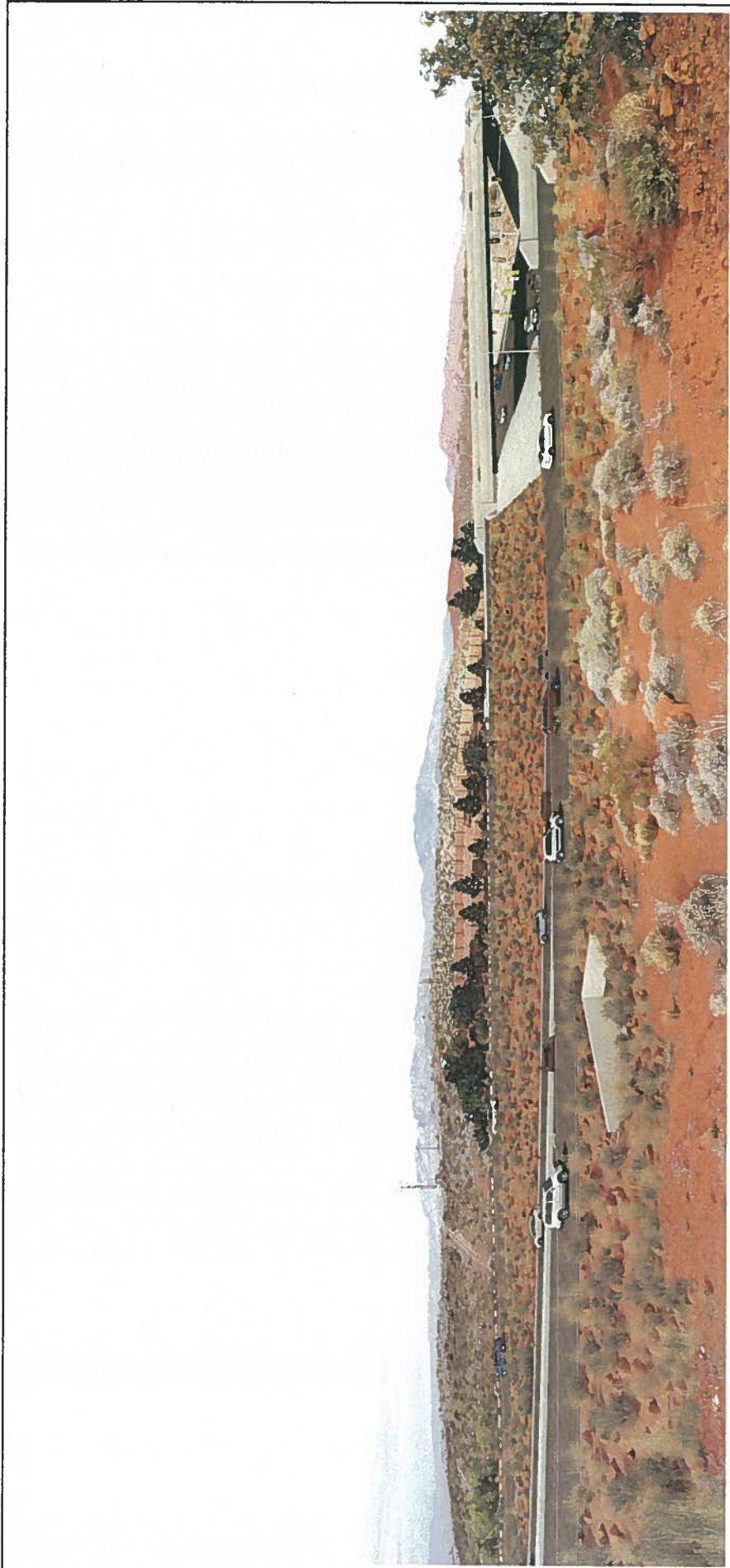
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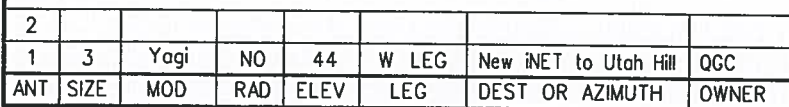
2 EAST PERSPECTIVE QUESTAR AND UDOT

		QUESTAR GAS SNOW CANYON PARKWAY ST. GEORGE, UTAH WH0030 REGULATOR BUILDING	
ENGINEERING RECORD SHEET NO. 001 OF 001		DATE: 08/15/2011 BY: J. R. [Name] CHECKED BY: [Name] APPROVED BY: [Name]	
PROJECT NO. 001 PROJECT NAME: SNOW CANYON PARKWAY PROJECT LOCATION: ST. GEORGE, UTAH		DATE: 08/15/2011 BY: J. R. [Name] CHECKED BY: [Name] APPROVED BY: [Name]	
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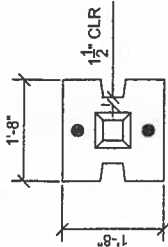


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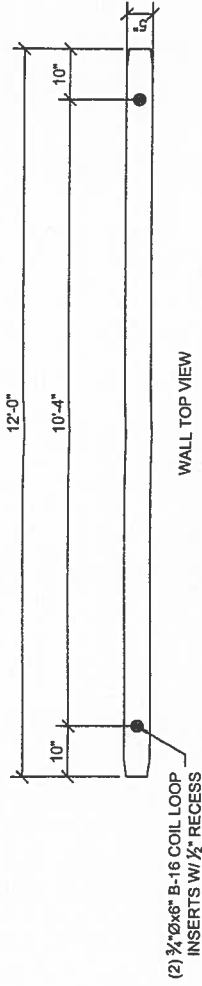
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PROJECT NO. 1000 PROJECT NAME: SNOW CANYON PARKWAY PROJECT LOCATION: ST. GEORGE, UTAH		SHEET NO. 08 TOTAL SHEETS: 08	
PREPARED BY: [blank] CHECKED BY: [blank] DESIGNED BY: [blank]		DATE: 08/01/08 SCALE: 1" = 40'	
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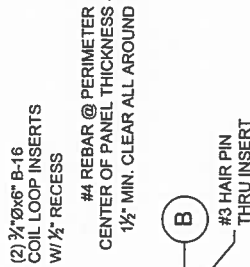
ENGINEERING RECORD			QUESTAR	
DATE	5/22/2011 1752 US		GAS CO	
DRAWN BY	R. Jaganan, PCHS			
REVISIONS				
NO.	DESCRIPTION	DATE BY		
1	Tower proposal	05-6-13 RJ	ST. George WH0030 40' ROHN 65G TOWER	
			A495001S	
			DRWG. NO.	REV. NO.



COLUMN
TOP VIEW



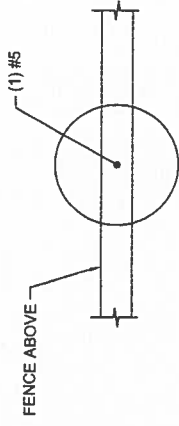
WALL TOP VIEW



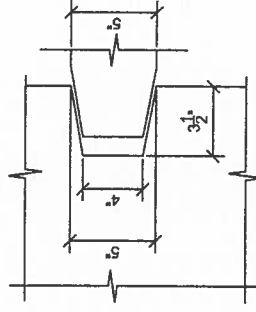
WALL FRONT VIEW

NOTES:

1. POST AND PANEL CONCRETE TO BE 5000 PSI.
2. FOOTING CONCRETE TO BE 3000 PSI.
3. MINIMUM SOIL LATERAL BEARING ALLOWABLE: 150 PSF/FT. OF DEPTH BELOW GRADE
4. MINIMUM ALLOWABLE SOIL BEARING PRESSURE: 2000 PSF
5. DIMENSIONS MAY BE REDUCED TO FIT PROJECT REQUIREMENTS.
6. GROUT BETWEEN POST AND FOOTING TO BE 2500 PSI.



SECTION A



SECTION B

TYP. 8' PANEL, PIER & POST

CONCRETE	
$f_c = 5,000$ PSI	$f_d = 2,500$ PSI
SLUMP: 4"-9"	FPU: N/A
FINISH: PATTERN	MIX: TBD
WEIGHT: 150 LBS. PCF.	AIR: 5%
VOLUME: TBD	SHIPPING WT: TBD

LOWELL
PRECAST

16500 SOUTH 500 WEST
BUCKLEY, UT 84603
PHONE: (801) 771-2001
FAX: (801) 876-0115

SHEET TITLE:	CHECKED BY:
SOUND WALL	R.B.
DRAWN BY:	SHEET #
J.A.	
DATE:	
3-1-10	

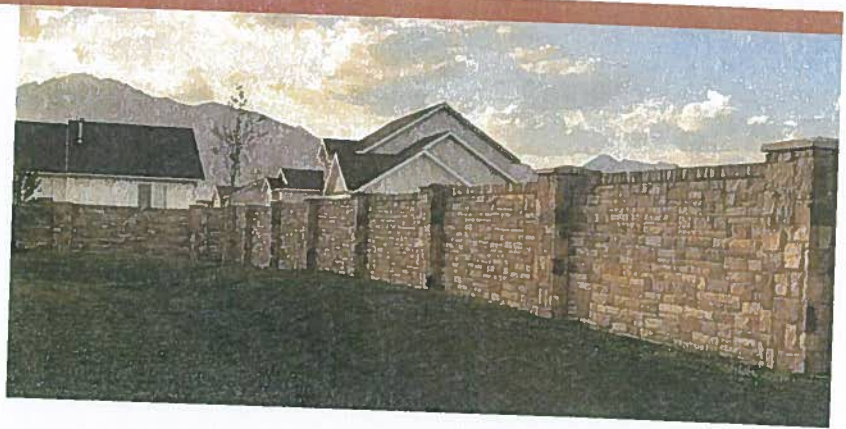
F-4.2

Verti-Crete Colors

VC*-Stain is a water-based acrylic coating designed for superior penetration into concrete. It ensures moisture proofing, color stability, and ultraviolet resistance. When properly applied it will not discolor, peel, crack, or blister. Multiple coatings are compatible for color combinations on concrete and masonry and correction of natural color imperfections. VC-stains will impart a uniform color on all forms of concrete: precast, poured, glass-fiber-reinforced, brick, stucco, and stone surfaces. Its water-based composition makes it a user-friendly product, which is solvent-free, odor-free, and safe on interior surfaces. VC-stains comply with all VOC regulations.

APPLICATION: As a pre-requisite for all coatings, a clean surface is a must.

- 1- Surfaces must be free of dust, oil, and external soils, which can affect adhesion and color. DO NOT use with form oils containing SILICON. For best results, any previous coating must be removed. Sealers/curing compounds containing silicons or resins must be removed or they will affect the quality of finish. Extremely smooth surfaces should be sandblasted. Some previous coatings can be compatible, however, a test-spot is definitely recommended.
- 2- VC-stains are water-dilutable, in all proportions. For best dilution (Base Coat vs. Highlighter) see your rep. All methods of application can be used: spray, roll, brush or rag touch up. Size, quantity and quality of your parts will determine your choice of equipment. For your custom plan talk to your rep. All paint equipment can be cleaned with warm-soapy water.



COVERAGE: The following variables will affect your square foot per gallon coverage: Your choice of application equipment, your design plan, number of base-coats, highlighters, etc. Consult your rep.

VARIATIONS IN COLOR tone/shade/hue are to be expected between "actual concrete colors" and the color chart. These differences are mostly due to:

- A. Chemical reaction between various concrete mixes and stains.
- B. Reaction to sun's ultraviolet energy, and local environmental conditions such as: humidity, salt, temperature, air quality, etc.
- C. Printing inks on paper versus the actual product on your concrete surface.

WARRANTY & CAUTION: With environmental considerations, the sealing/moisture protection and quality of this product is guaranteed for 10 years. However, the same enviro-conditions (see paragraph "B" above) will affect the longevity of color within 2-4 years.



Mail
P.O. Box 2347 / Sandy, Utah 84091

Plant
16500 South Pony Express Road / Bluffdale, Utah 84065

Phone 801 571-2028
Fax 801 571-3486
E-mail sales@verti-crete.com
Web www.verti-crete.com



* VC=Verti-Crete



Color Chart

Colors

White

Limestone

Sunset

Harvest Gold

Nutmeg

Khaki Bronze

Beige

Washed Suede

Smokey Beige

Terra Cotta

Sepia

Chestnut

Western Cedar

Cocoa Brown

Dark Walnut

Plum

Taupe

Brick Red

Island Spruce

Blue Slate

Heather Grey

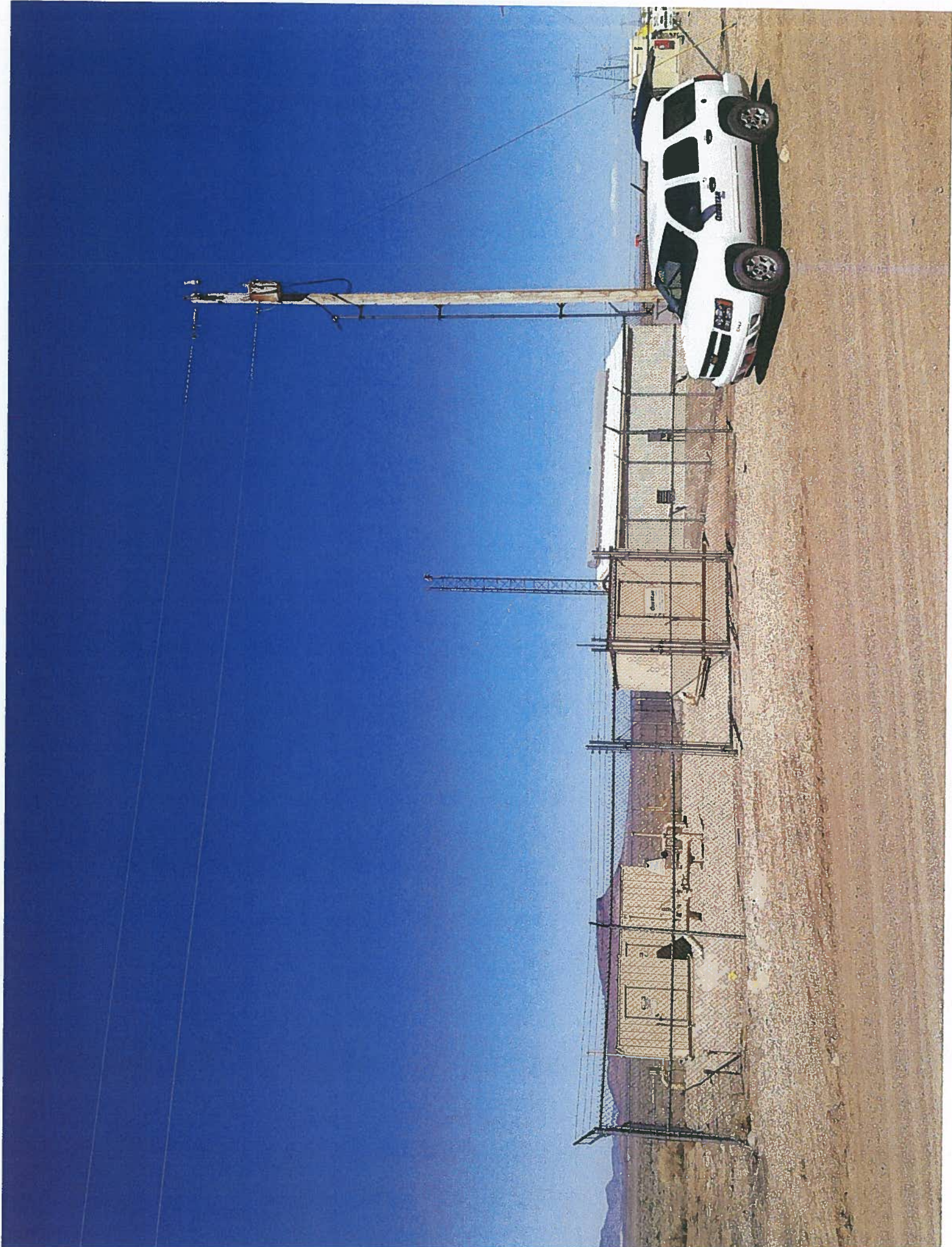
Stonewall

Deep Grey

Charcoal

Wrought Iron





Narrative for CUP application

Questar Gas WH0030

Snow Canyon Parkway & Bluff Street Site

In order to meet the needs and growth that has occurred in St. George and Washington County in recent years, Questar Gas is making modifications to its facilities.

In 2013 Questar Gas will be installing a compressor station near Central, Utah and increasing the pressure in the pipeline between Central and St. George, Utah. The WH0030 regulator station site will be installed to reduce the pressure back down to the current Maximum Allowable Operating Pressure (MAOP) of 720 psig. These modifications will allow Questar Gas to continue to serve gas to St. George City Power and to the residents of St. George and the surrounding communities.

The WH0030 site will include pig launching and receiving facilities. These facilities of its pipeline system allow Questar to perform maintenance cleaning runs and inspection runs. The site will also include a few structures: a control room, a regulator station building to house the pressure regulators and valves, and a communications tower.

WH0030 is an unmanned site and is controlled remotely. This necessitates the need for electric power and a communications tower. The site is anticipated to be accessed about once weekly to ensure everything is working properly. About every seven years, or as needed, the site will be accessed more frequently for a period of about a month during the regularly scheduled pigging and maintenance activities on the pipeline system.

Questar Gas has met with and is coordinating its design efforts between UDOT and St. George Engineering department to design the road access to the site. As you may be aware UDOT is planning a significant remodel project at the Snow Canyon Parkway and Bluff Street (SR-18) intersection.

Due to the existing terrain at the site, a large amount of grading work must be done. Questar is working through options that will help minimize scaring of the hillside.

During normal operations no odors should exist outside the property. This is typical to other regulator stations and facilities that Questar Gas currently owns and operates in and around St. George. During normal maintenance activities and when blow downs are required small amounts of gas will be vented into the air. The gas is odorized and will have an odor for a short amount of time.

As the gas flows through pipe there is a noise associated with it. The majority of the piping will be buried in the yard to mitigate the noise. The regulator station will house pressure reducing valves (control valves and regulators) that will generate noise. The pressure reducing valves will be located inside a building to mitigate noise. This is typical with the other regulator stations that exist in the area. Due to the geographic location of the site the hill top to the west, Snow Canyon Parkway to the north, Bluff

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The station will be designed with safety in mind. This station site will meet all local and national building code requirements, electric codes, and applicable standards. The natural gas piping will be designed to meet and exceed the State and Federal regulations for the site (Code of Federal Regulation 49 Part 192). As part of these safety requirements and security of the site, Questar Gas proposed to install 8' tall fencing around the site. Questar Gas is working with St. George City to determine the fencing requirements for the site that will provide both site security and is acceptable to the aesthetics of the site. We have had discussions of having chain link options as well as precast paneling mixed with chain link as the fencing materials.

During site construction a water truck will be onsite and used for dust control.

The final height of the structures has not yet been determined and will be finalized during the design process. There are 3 main structures proposed in the site: a control room, communications tower, and a regulator station building. The approximate sizes of these buildings are shown on the site plan.

Operational hours for the proposed facility are continuous, 24 hours a day – every day.

DRAFTAgenda Item Number : **6H**

Request For Council Action

Date Submitted 2013-08-05 15:19:30**Applicant** Mr. Tyler Satterfield**Quick Title** CUP for auto impound yard**Subject** Consider a request for a conditional use permit to establish an auto towing and impound yard at 769 N. Red Rock Road in the M-1, Industrial zone.**Discussion** The applicant proposes to establish a rather small (under an acre) auto impound yard at 769 N. Red Rock Road in the old St George Industrial Park. The site is currently enclosed with chain link and slats which is allowed in the old industrial park. There are similar auto repair businesses in the vicinity so the impound yard should be compatible with existing businesses. The PC will consider this request on August 13th and make a recommendation to the Council.**Cost** \$0.00**City Manager Recommendation** Planning Commission will hear this request on the 13th and make a recommendation after that meeting. It appears it is in conformance with the intent of the zone in this area as there are similar businesses already there.**Action Taken****Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

ITEM

CUP / Tow & Impound Yard

PLANNING COMMISSION AGENDA REPORT: 08/13/2013

CONDITIONAL USE PERMIT

Tow & Impound Yard

Case # 2013-CUP-012

Request: A conditional use permit for permission to establish a towing and impound yard in the old industrial park.

Building: Existing buildings on property

Applicant (Lessee): Mr. Tyler Satterfield
Epic Motor Sports LLC
2380 E 50 S
St George, Utah 84790

Zone: M-1 (Industrial)

General Plan: Industrial

Location: 769 N Red Rock Road

Ordinance (Use): Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section 10-11-2 "Uses"

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

	M-1	M-2
ATVs and parts sales and repair (indoor only)	N	P
Auto salvage yard, storage yards for wrecked or partially dismantled vehicles	C	N
Automobile repair shop	P	N


Ordinance (Screening): Per Zoning Ordinance Title 10, Chapter 11 "Manufacturing" Section 10-11-4 "Special Provisions" the old industrial park allows chainlike fencing with slats for screening (see below)

10-11-4: SPECIAL PROVISIONS:

- A. Storage Enclosed: All storage except vehicles in running order shall be stored in an enclosed building or within an enclosure surrounded by a solid fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the

enclosing fence or wall. A solid masonry wall or solid vinyl fence shall be used parallel to the public street(s) where the storage is visible from the public street. Chainlink fencing with slats may only be used for enclosing storage areas in the following situations:

B.

1. After a minimum of three hundred (300) linear feet of solid fencing or wall has been provided to screen the designated storage area, then the remainder of the storage area may upon approval by the planning commission utilize chainlink fencing with slats or other approved alternative screening solutions along the public street frontage.
2. Along the interior property lines (or interior fence lines); chainlink without slats may be used. (Ord. 2009-06-001, 6-18-2009)
-  3. Along the public street frontage at approved setback distances in the area known as the St. George industrial park, M-1 zone (in section 20, T42S, R15W). (Ord. 2011-08-003, 8-4-2011)

If a movable gate is used, it may be constructed of chainlink, chainlink with slats, wrought iron, solid, or perforated metal.

All chainlink fencing with vinyl slats shall be maintained in good condition; all fallen, broken, or missing slats shall be replaced. No wooden slats may be used. (Ord. 2009-06-001, 6-18-2009)

Findings:

The following standards must be met to mitigate the reasonably anticipated detrimental effects if imposed as a condition of approval:

Yes	N/A	Category	Description
Control all noise levels to prevent disturbance of neighbors.		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Comply with Local, State, and Federal air quality		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
Contain all odors to meet city and state standards		C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
Any exterior materials to be		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.

approved by PC & CC			
		E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
PC to Discuss traffic as required.		F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
Existing building -- no change	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
	X	H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
Comply with State standards		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>

APPLICANT'S NARRATIVE

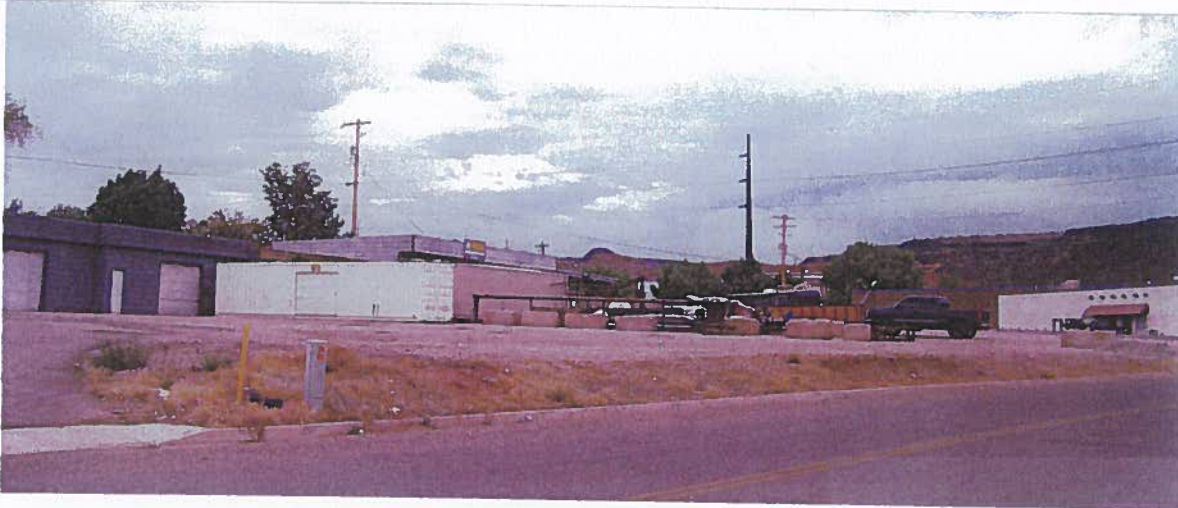
The property outlined at 769 red rock rd in this c.u.p. application will be used for the purposes of storage and impound of vehicles from epic motor sports llc located a half a block south at 649 red rock rd. This location will increase the storage area at 649 red rock rd and allow the business to function without constraints of space needed for this purpose. Epic motor sports llc currently provides towing service for the st george dispatch on their rotation as well as UTAH highway patrol and their rotation for towing and impound. These are the primary sources of vehicles to be stored until sold or auctioned.

The property has been brought up to state tax impound standards with fencing, roadbase, barbed wire and signage displaying contact and office information and location at the 649 red rock rd building. A bond and insurance naming st goerge dispatch the certificate holder is currently in force at both this location and the 649 red rock rd.



Chain Link
with Slats

Storage
Area



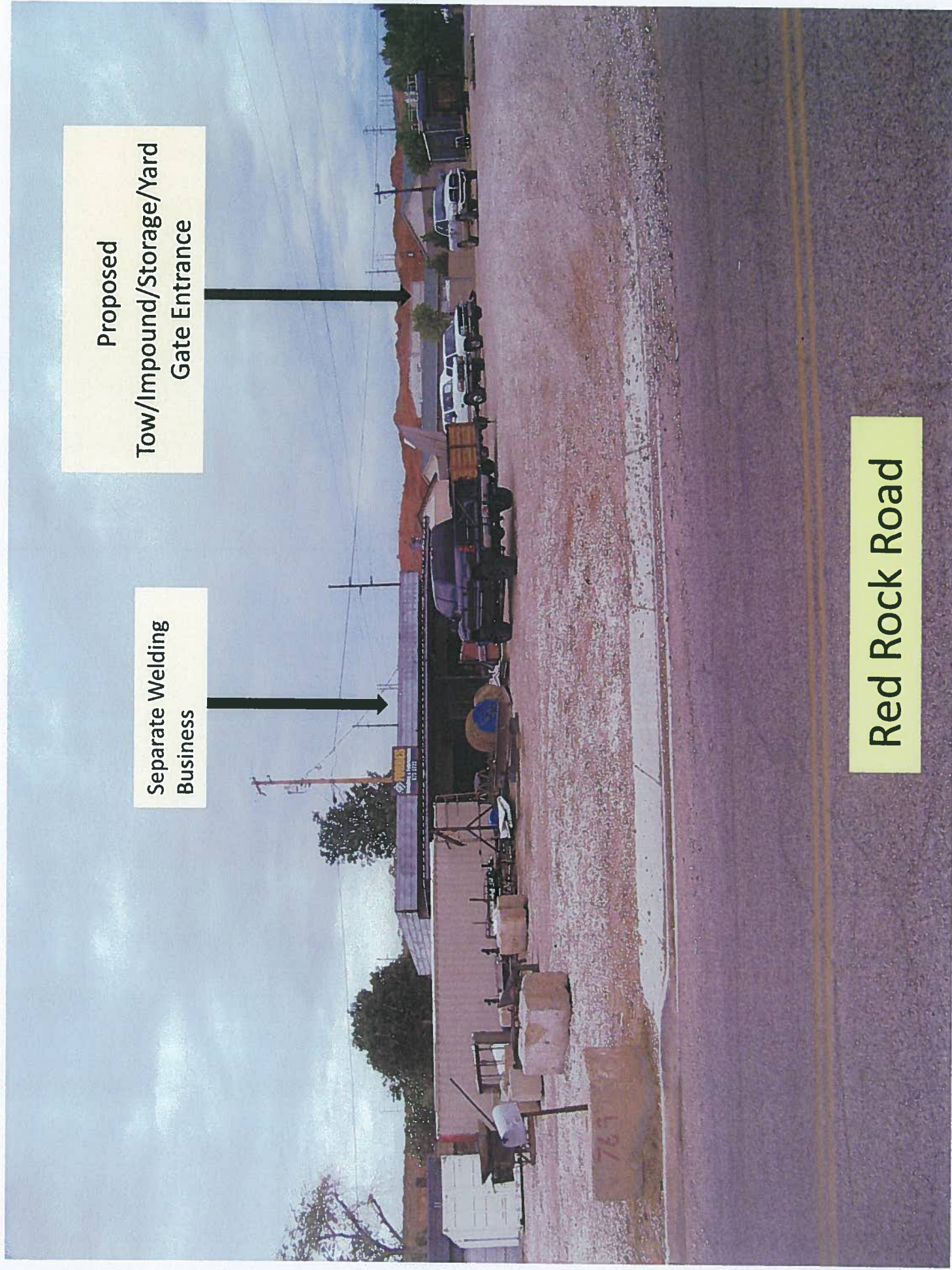
Red Rock Road



Separate Welding
Business

Proposed
Tow/Impound/Storage/Yard
Gate Entrance

Red Rock Road



EPIC MOTOR SPORTS LLC #2

765 Red rock rd.

435 669 1558

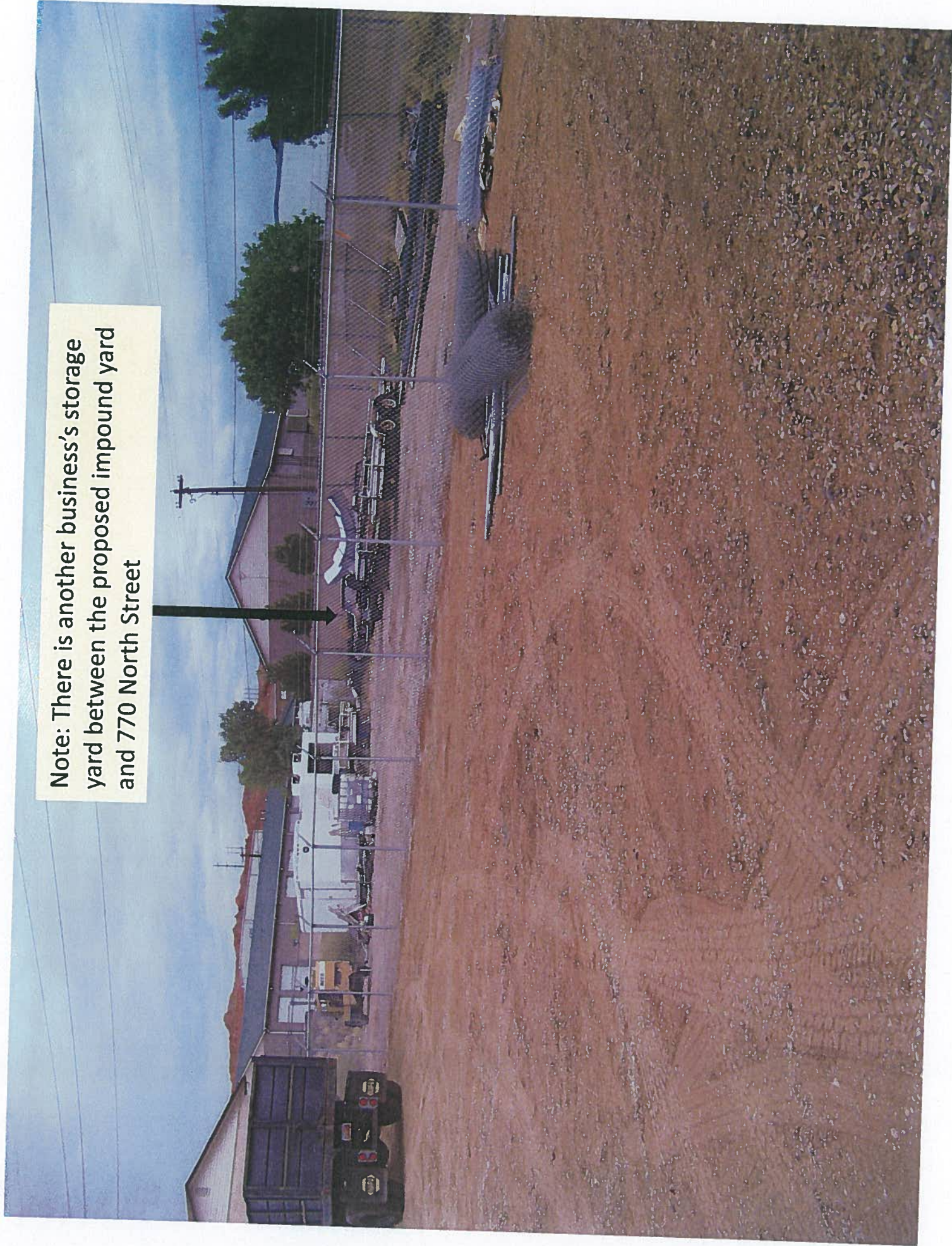
office located at: 649 red rock rd

Hours 9 AM - 5 PM Mon-Fri

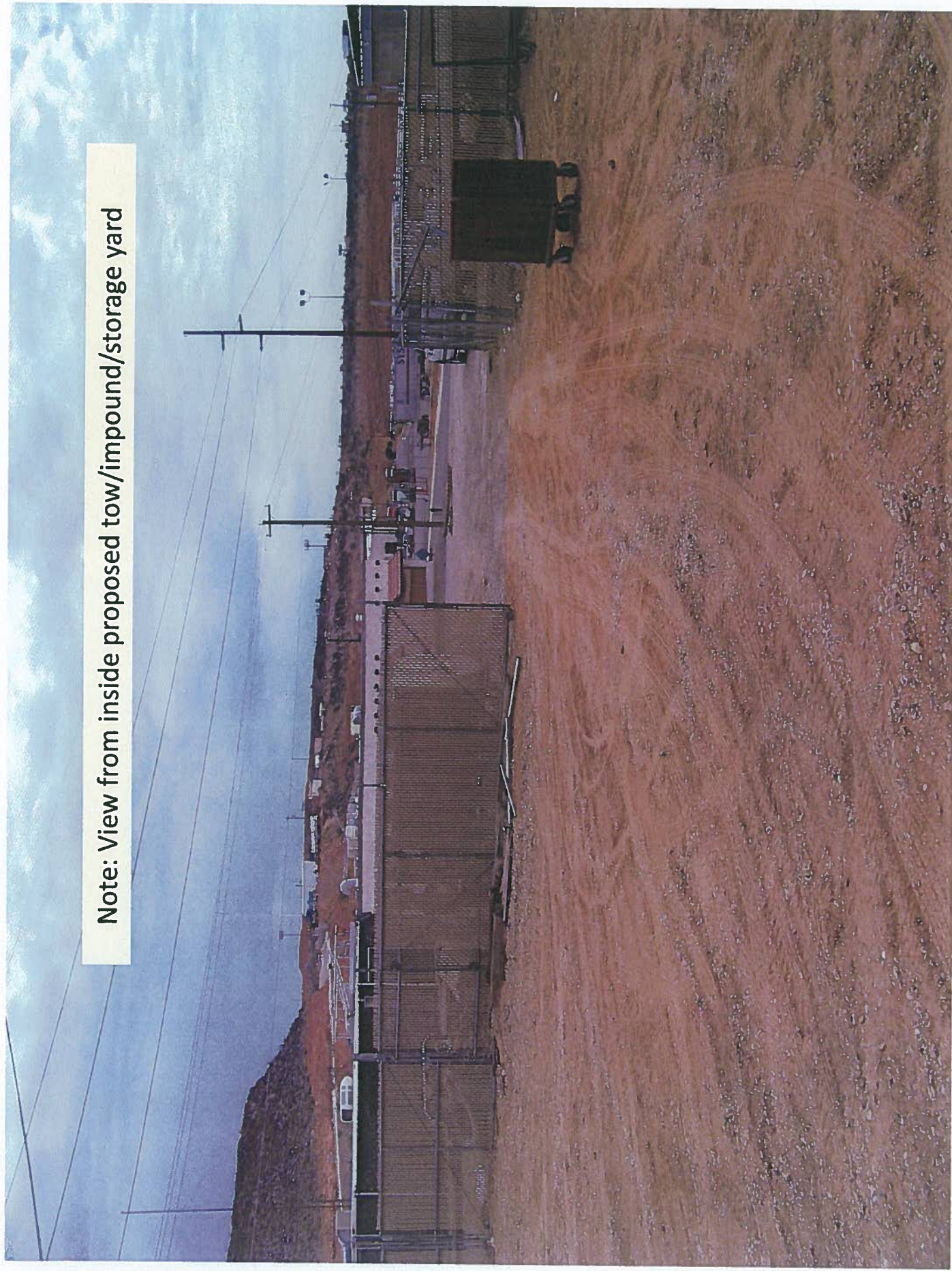
STATE IMPOUND YARD#



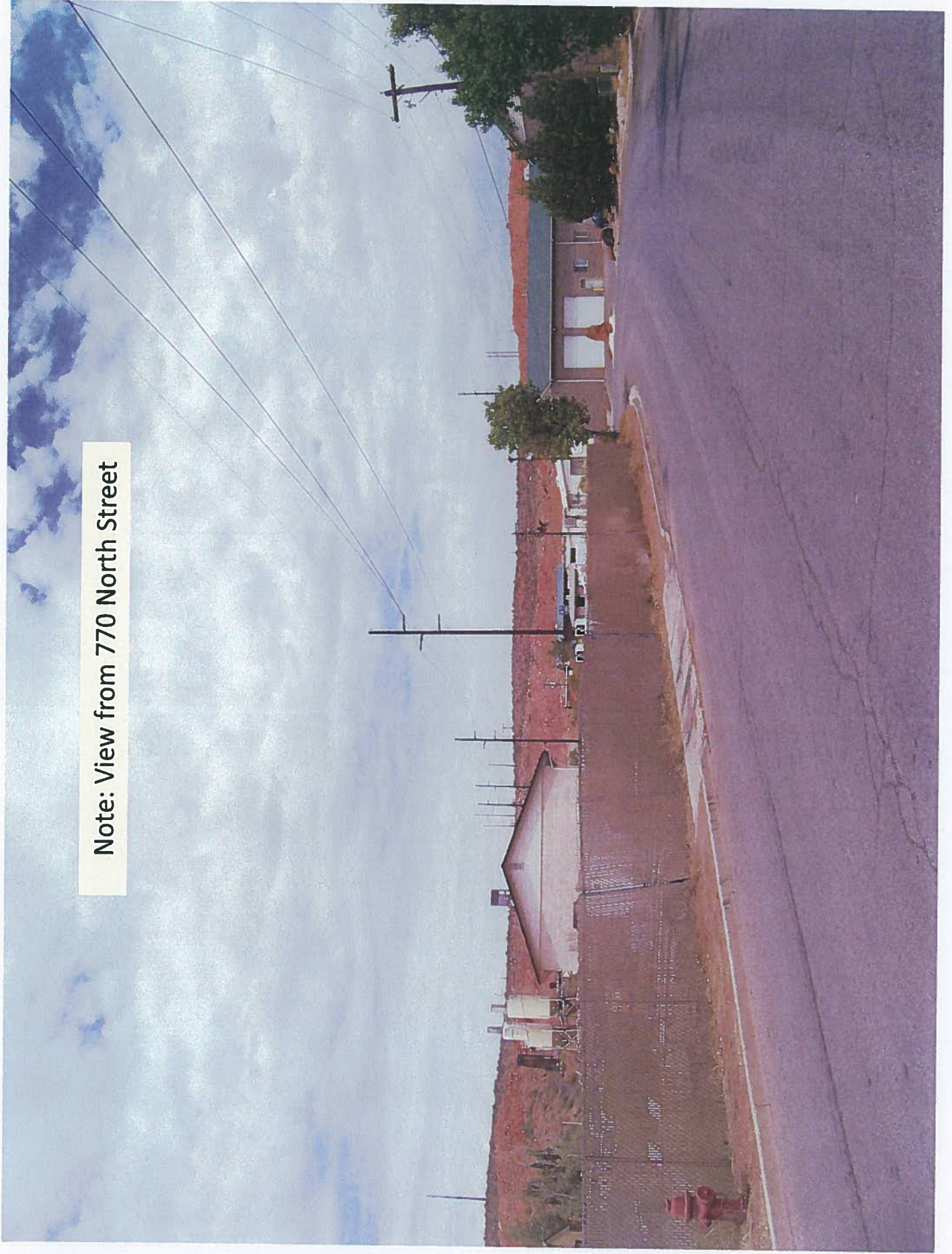
Note: There is another business's storage yard between the proposed impound yard and 770 North Street



Note: View from inside proposed tow/impound/storage yard



Note: View from 770 North Street

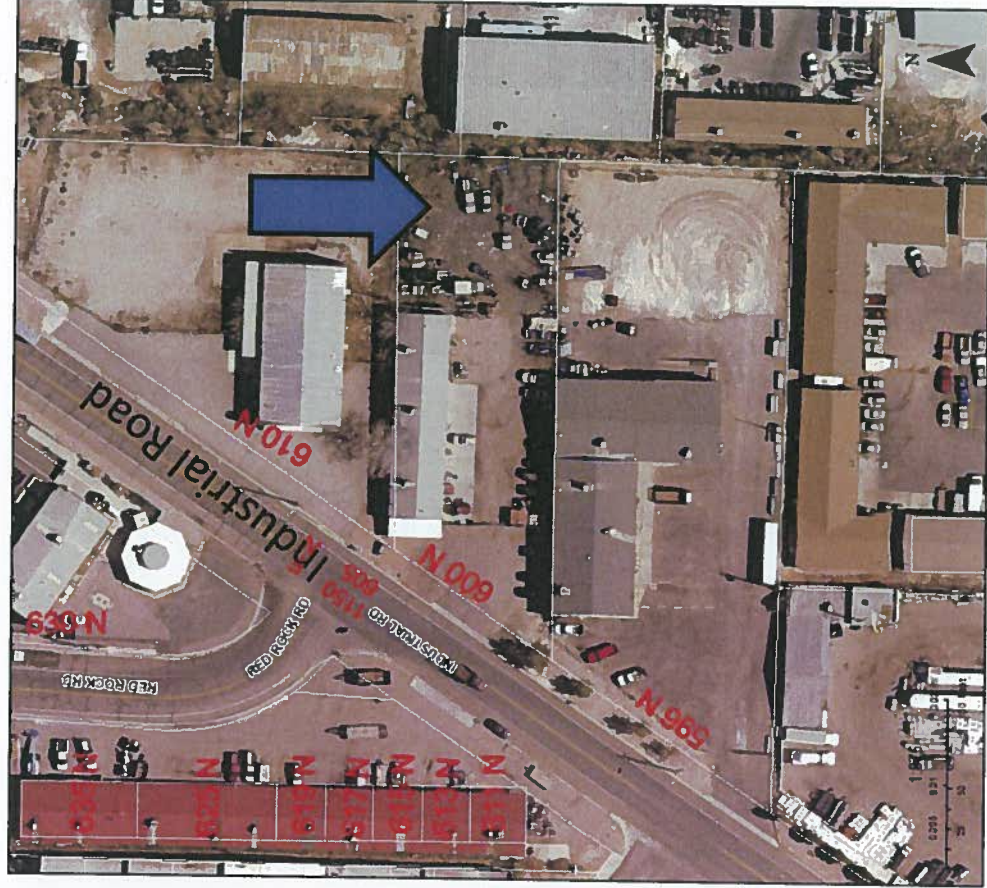




Bracken's Auto Tech 86 N 1000 E

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 SGCityMaps - <http://maps.sgcity.org/sgcity/maps>

July 18, 2013

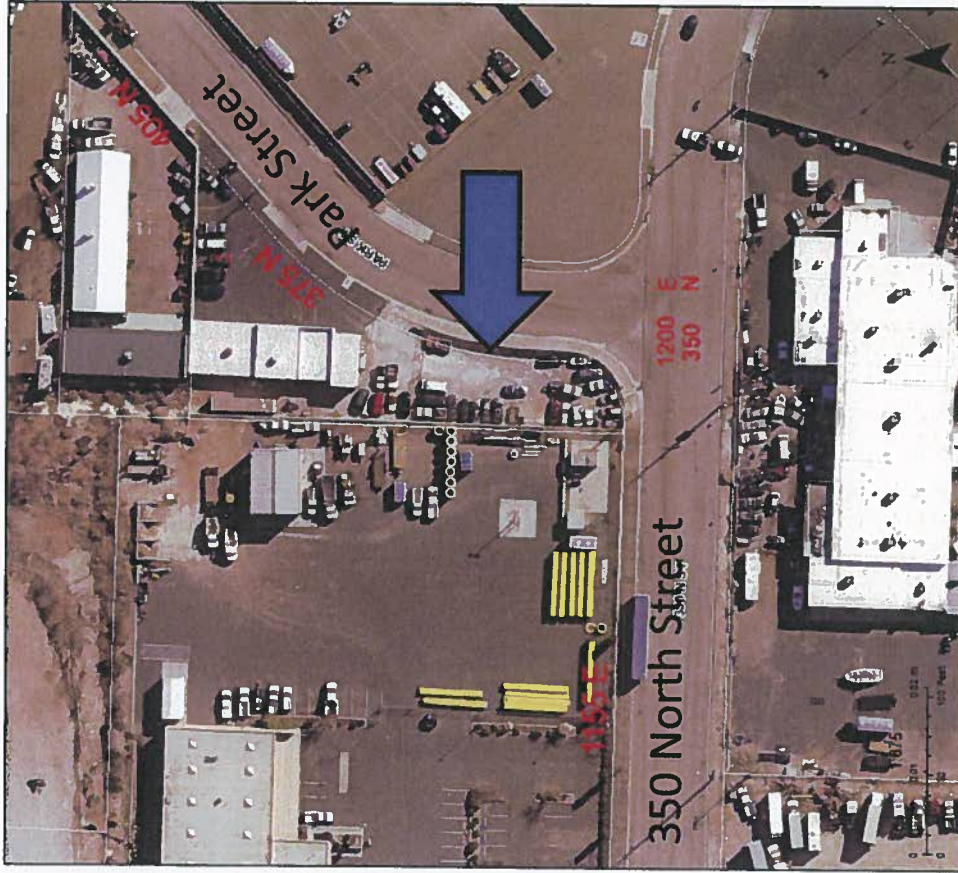


Superior Auto Body 600 N Industrial Road

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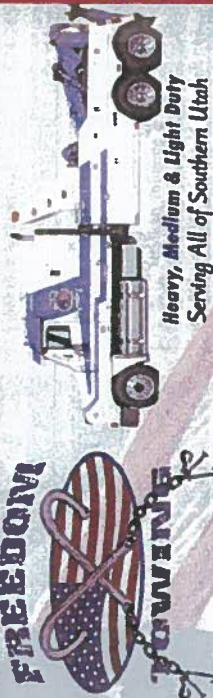


Harrison 375 N Park Street

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Hidden Valley Heights

3155 S Hidden Valley Dr St George **888-8601**

Ridge Townhouse Association

446 Ridgeview Dr St George **628-6104**

DRAFTAgenda Item Number : **61**

Request For Council Action

Date Submitted 2013-08-05 14:57:48**Applicant** PCI, Mr. John Wilson, rep**Quick Title** CUP for gypsum mining in OS zone

Subject Consider a request for a conditional use permit to mine gypsum in an Open Space zone located at approximately 3600 South River Road, east of the Sunroc Block Plant. The property is owned by the State Institutional Trust Lands Administration and leased to Progressive Contracting Inc.

Discussion PCI (applicant) has an existing gypsum mining operation located on adjacent property to the northeast of the proposed mining site. On June 16, 2011 the applicants sought a zone change on 52 acres to expand their mining operation but that request was tabled by the City Council to resolve the zoning issue with the Fossil Hills PD zoning plan. The Fossil Hills PD plan was recently amended and the subject 23.7 acres was rezoned to Open Space. PCI proposes to mine the gypsum which is located in sub-surface layers about 2 to 15 feet thick over a five year period. Upon completion of the mining the property (owned by SITLA) would be compacted at near level grade for future development. The site is surrounded on three sides by M-1 zoning. Dust control is the main issue associated with the proposed operation and PCI has filed an Air Quality/ Dust Control Plan with both the city and state. Nearly all truck traffic will go south on River Road to the Southern Parkway and I-15. The mining operation is proposed to be limited to daylight hours only. The PC will consider this request on August 13th and make a recommendation to the City Council. Note that PCI has reduced their original request of 52 acres (2011 proposal) to 23.7 acres in their current plan and the tall hill to the west of their existing mining operation would remain but a smaller hill further north would be removed. The area is outside the Hillside Overlay zone.

Cost \$0.00

City Manager Recommendation Zone change granted for this parcel in July. Planning Commission will hear this CUP request at their meeting on the 13th.

Action Taken**Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget?** Amount:**Additional Comments**

ITEM

PCI Gypsum mining in an OS Zone

PLANNING COMMISSION AGENDA REPORT: 08/13/13

CONDITIONAL USE PERMIT

PCI gypsum mining in OS zone

Case # 2013-CUP-013

Request: A Conditional Use Permit (CUP) to allow gypsum mining in an Open Space zone located east of the Sunroc Block Plant (east of River Road) at approximately 3600 South. The property owner is the State Trust Lands Administration (SITLA) and PCI has entered into a mineral lease agreement with SITLA.

Background: PCI has an existing gypsum mining operation located on adjacent property to the northeast of the proposed expansion site. PCI would like to extract the gypsum layer which is anticipated to range from 2 to 15 feet thick at varying depths below the surface. The mining operation is expected to last about 5 years, after which the site would be brought to a near level grade and made available for future use. No crushing or stockpiling is proposed to occur on the subject 23 acre parcel, but rather the material would be transported by rock truck to the existing mine site located to the northeast of the proposed site.

Narrative: The applicant has provided a narrative describing the proposal (see attachment)

APN: SG-5-3-17-1101

Location: East of the Sunroc Block Plant (& east of River Road), at about 3600 South.

Applicant: Progressive Contracting Inc. (PCI)
239 E. Tabernacle Street
St George, Utah 84770

Rep.: Mr. John Wilson, PCI

Engineer: Rob Reid P.E., Rosenberg Associates
352 E Riverside Drive, Suite A-2
St George, Utah 84790

Zoning: Open Space

General Plan: Open Space

Project: The applicant proposes to mine gypsum for approximately 5 years and then level the site for future use.

Acreage: Approximately 23.7 acres.

Issues:

1. Dust Control / Air Quality.

The proposed gypsum mining operation will be required to comply with all federal, state and local air quality standards. PCI has submitted a 'Fugitive Dust Control Plan' to the state and to the city. Dust control must be done by frequent application of water to haul roads, mined / disturbed areas by water trucks, sprinkler lines, and other means. In addition all material leaving the site must be transported in covered trucks.

2. Traffic:

All (or nearly all) truck traffic leaves the mine site via 1700 East Street, heading south to 3850 South Street, then to River Road and south on River Road to the Southern Parkway, then west to I-15 and the milepost 2 interchange.

3. Site Reclamation:

At the end of the 5 year mining period the site must be reclaimed to an approximately level grade and compacted and left in a condition so as not to create a dust problem.

4. Noise:

Noise will be generated by the truck and mining equipment and periodic blasting. Mining operation will be limited to daylight hours and it is the applicant's responsibility to prevent "excessive noise". "Excessive noise" should be based on noise levels exceeding that typical of an industrial area.

5. Blasting:

Periodic blasting is proposed and must comply with all federal, state, and city standards. The St George Fire Dept is the local agency which issues blasting permits and the applicant must comply with all monitoring requirements (see applicant's narrative for further explanation.)

6. Length of mining operation:

The applicant proposes to conduct the mining operation during daylight hours for up to 5 years on the subject 23 acre site.

Findings: The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
Some loud noise is anticipated during daylight hours		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
Control during mining operation with frequent water application to haul roads, disturbed areas and stockpiles.		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
	X	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
The property must be brought to near level grade when completed with mining		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
Meet all City, State, and Federal safety requirements		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
Nearly all truck traffic to go south on River Road to Southern Parkway		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.

	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
Daylight hours only		H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>
	X	I. Saturation / Spacing	<p>1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.</p>
		J. Maintain Character and purpose of zone	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
Meet all air quality and other applicable City, State, and Federal environmental/health requirements		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>



CITY OF ST. GEORGE

175 East 200 North
St. George, Utah 84770

52 Letters mailed
on 7/29/13

July 31, 2013

Dear Property owner within 300' of requested conditional use permit:

The St. George City Planning Commission has received a request from Mr. John Wilson with Progressive Contracting Inc, applicant, for permission to mine gypsum on 23.7 acres located east of River Road (and east of the Sunroc Block Plant) at approximately 3600 South (see attached map). The property is zoned Open Space, and surrounded on three sides by manufacturing M-1 zone. The applicant (PCI) requests approval to conduct open-pit mining on the site for up to 5 years, and upon completion to reclaim the site to a generally level grade suitable for future development. No crushing or stockpiling of material will be done on the 23 acre site, but rather transported via rock trucks to the existing mining operation located northeast of the proposed site. Hours of operation are proposed to be limited to daylight hours only, matching the hours for the existing mining operation to the northeast.

This request will be considered at the Planning Commission meeting **Tuesday, August 13, 2013 at 5:00 p.m.** The Planning Commission will then make a recommendation to the City Council who will most likely consider the request on **Thursday, August 15, 2013 at 4:00 p.m.** Both Planning Commission and City Council meetings are held in the City Office Building, Council Chambers at 175 East 200 North.

These meetings are open to the public and you are cordially invited to attend and express your opinions regarding the proposed project or present your comments in writing prior to the meetings.

Sincerely,

Bob Nicholson
Community Development Coordinator

CITY OF ST. GEORGE

175 East 200 North, St. George, Utah 84770
Phone: (435) 627-4000
www.sgcity.org

MAYOR

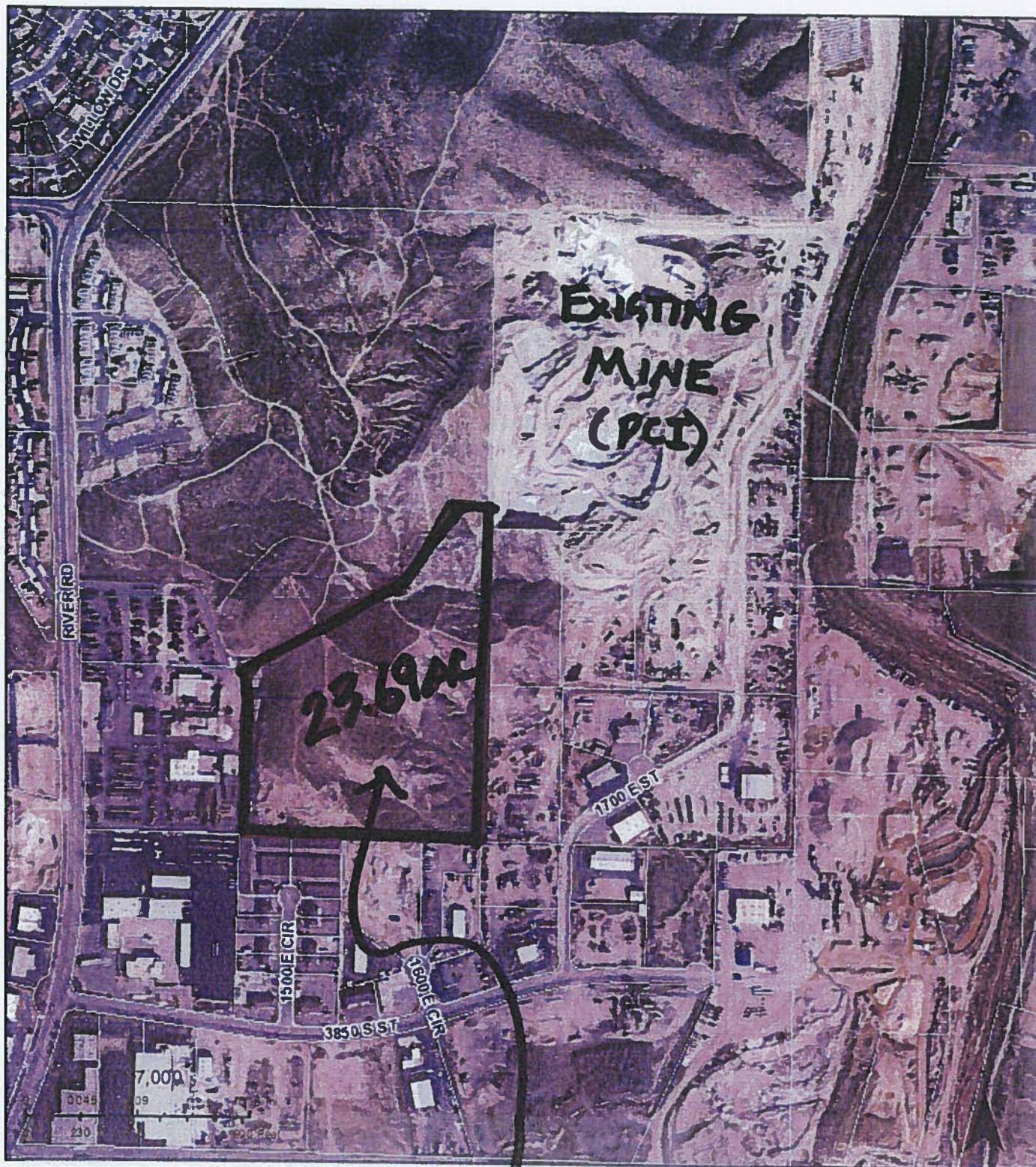
Daniel D. McArthur

CITY MANAGER

Gary S. Esplin

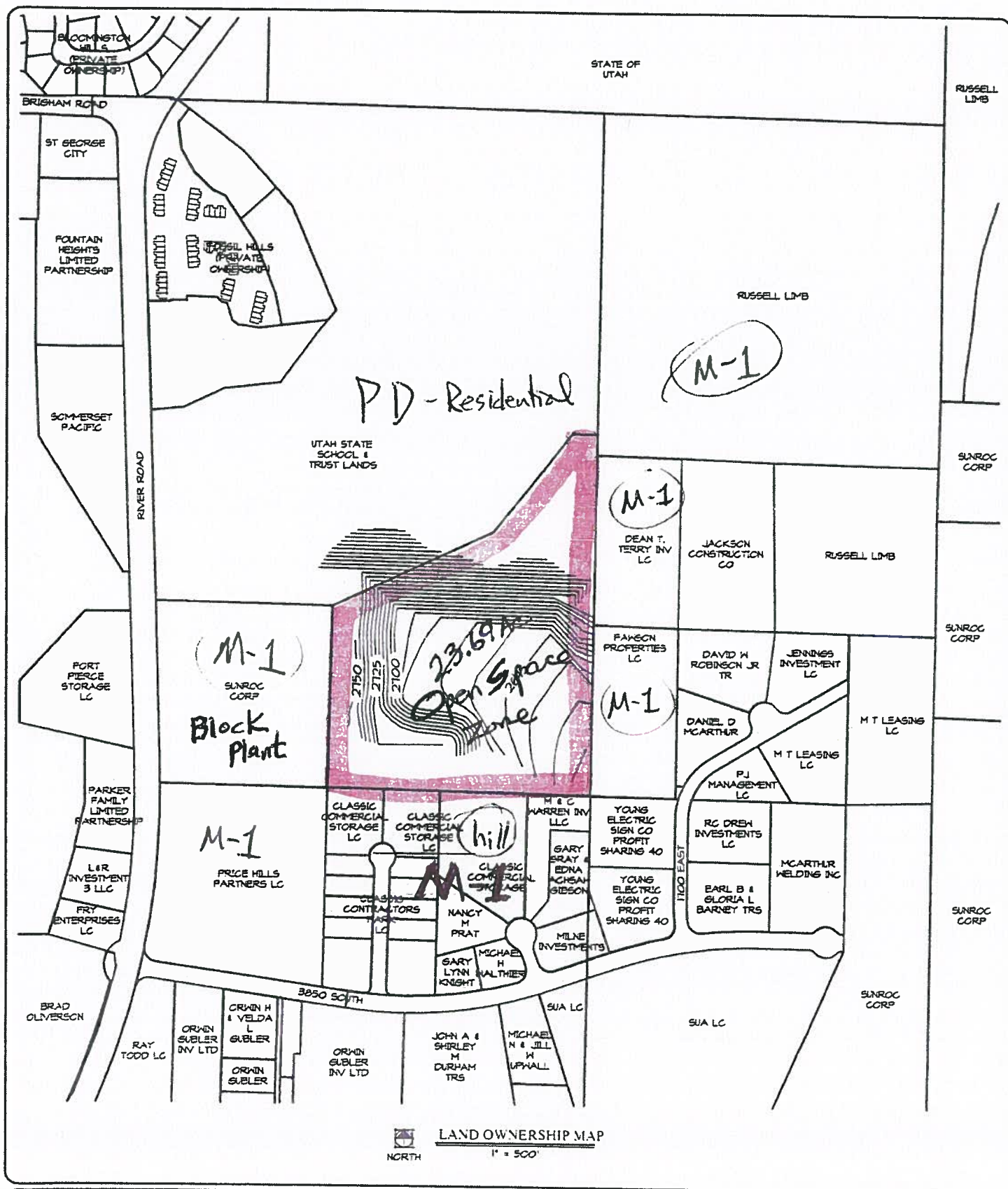
CITY COUNCIL

Gil Almquist
Gail Bunker, Jimmie Hughes
Benjamin Nickle, Jon Pike



PCI's Proposed Mining Operation on 23.6 acres





CONDITIONAL USE PERMIT APPLICATION

PCI GYPSUM PIT AUGMENTATION
SITLA Fossil Hills Open Space Property
St. George, Utah

Prepared For:

Progressive Contracting Incorporated
John Wilson, Project Manager
P.O. Box 1930
St. George, Utah 84771

Rosenberg Associates
Project No: 3139-10-018A

July 17, 2013

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1.0 INTRODUCTION

This narrative is submitted in support of the proposed PCI Gypsum Pit Augmentation Conditional Use Permit Application. Progressive Contracting Incorporated (PCI) is working in partnership with the Utah State Schools and Institutional Trust Lands Administration (SITLA) to mine gypsum and other mineral materials. The proposed augmentation of the area that PCI mines is to maintain the same production rate and size of operation that PCI has been operating for the last 10 years. In order to accommodate the proposed mining use, the parcel was removed from the SITLA Fossil Hills Planned Development and rezoned to Open Space by the St. George City Council on June 20, 2013. The proposed mining activity is consistent with the adjacent land uses.

Following mining activity, PCI will perform earthwork and grading to 'reclaim' the site for future development consistent the approved State of Utah Division of Oil, Gas, and Mining (DOGM) permit & bonded reclamation plan.

This narrative has been prepared to address the requirements of Section 10-17-7 of the City of St. George Zoning Ordinance.¹ Please refer to the conditional use permit application for supplemental information, including the following:

- *Land Ownership Map Exhibit*
- *Proposed Grading Plan Exhibit*

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The subject property is located east of River Road and north of 3850 South Street, behind the Sunroc block plant, as seen in the *Land Ownership Map Exhibit*. The property is currently owned by SITLA, Washington County Parcel No. SG-5-3-17-1101. The property will be accessed via a temporary access road from the northeast corner of the parcel, which connects to the existing gypsum mine and gravel pit operated by PCI on property owned by Russell Limb. The proposed haul road location is shown on the *Proposed Grading Plan Exhibit*.

2.2 PROPOSED ACTIVITY

PCI has entered into a mineral lease agreement with SITLA on the proposed mining area to mine gypsum and other mineral materials from property. The mining operations will be an open pit process. The site will have overburden and topsoil stripped and stockpiled for re-use during the reclamation process. Stockpiled material will be within the boundaries of Phase II of the DOGM approved phasing plan. Cuts in the area are anticipated to be 25 feet to finish grade, however over-excavation will occur as gypsum layers are encountered. It is anticipated that gypsum layers will range from 2 to 15 feet thick, tilting southward at a 5 to 15 degree angle with intermediate clay layers ranging from 1 to 4 feet. Areas that are over-excavated to maximize the gypsum resource will be

¹ Code of the City of St. George, Utah, Title 10, Chapter 17, *Conditional Uses*; Section 10-17-7, *General Standards for Approval of Conditional Uses*.

backfilled with onsite material suitable for structural fill. After the overburden is removed and blasting accomplished, material is loaded with excavators to allow for sorting of material into limestone, fines, board rock, and white rock. The material will then be transported via rock trucks to three processing stock piles on the existing mine site. No crushing or stockpiling of product will occur on the Phase II site. The additional acreage is intended to replace Phase I area once the gypsum resource has expired. It is anticipated that the Phase I resources will expire within the next year.

The total amount of earthwork to be moved on the parcel is estimated to be 918,900 cubic yards, as shown in the *Proposed Grading Plan Exhibit*. The total disturbed area will be approximately 23 acres, with no more than 17 acres of land being in disturbance at any one time. Assuming the mining operations will excavate approximately 184,000 cubic yards per year, the estimated life expectancy of the project will be 5 years.

Following the mining activity in a given area, PCI will perform 'reclamation' earthwork and grading to prepare the site per the DOGM permit and bonded reclamation plan.

3.0 CONDITIONAL USE STANDARDS FOR APPROVAL

3.1 NOISE MITIGATION

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others. Major mining operations will be done during daylight hours. The equipment used is similar to equipment used throughout the Fort Pierce industrial park.

Blasting will be used in the mining operation. Blasting will be conducted by PCI staff and private licensed, bonded, and insured blasting companies. All blasting will be done in accordance with USBM, OSHA, MSHA, DOGM, BTAF, and City of St. George regulations. Seismic monitoring is done and monitored by a third party. A geophone sensor for the seismograph is temporarily installed at the project boundaries. The seismograph records ground vibrations in terms of peak particle velocity (PPV) expressed in units of inches per second (in/s). The seismograph is programmed to begin recording vibration waveforms when ground motions exceed a 0.02 in/s trigger level. Vibrations of 0.02 in/s are near the threshold of human perception for most people and well below the threshold values set for structures. The U.S. Bureau of Mines (USBM) compliance chart, which is the most widely used criteria for indicating whether vibrations are capable of causing damages to structures, plots both the amplitude (PPV) and the frequency of vibrations. Based on the USBM data, the lowest particle velocity that is capable of causing damage is 0.2 in/s. Data that plots below this threshold is in compliance with the USBM's standards and indicate that the vibrations are not likely to cause damage. Charge weight, number of charges, blast efficiency, and surface conditions (i.e. an unconsolidated alluvium vs. solid bedrock medium) will transmit vibrations differently. This information is considered while developing a particular blast plan. Prior to blasting, the area is presoaked to minimize dust, the City of St. George is notified, and the site is cleared by the site safety superintendent. Once a visual inspection is made to clear the pit, a siren warning to alert all personnel of the impending blast is done. At this time all personnel and equipment are accounted for in an area removed from the blasting zone. The siren is sounded again

and the blaster turns on his emergency flashing lights. The blast is then detonated. No one enters the site until the blaster gives the all clear.

3.2 DUST CONTROL

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all air quality standards; state, federal and local; and shall not create unusual or obnoxious dust beyond the property line.

PCI will adhere to its company administered fugitive dust control plan on file with the State of Utah Department of Environmental Quality, Division of Air Quality (UDAQ) that will be used on this site. This plan addresses control of dust on roads and from fugitive mining sources.

PCI has submitted a Notice of Intent (NOI) to the UDAQ for current activities taking place on the Russell Limb property including excavation, stockpiling, screening, crushing, loading into trucks, and delivery. These activities are covered under the UDAQ issued Approval Order for this equipment. This NOI will be updated to reflect the additional areas of excavation and the additional haul distance for the proposed expansion area as part of the Storm Water Pollution Prevention Plan (SWPPP) requirement triggered at the time PCI secures a grading permit from the City of St. George. Fugitive dust is controlled by Best Management Practices (BMP) as outlined in the NOI and SWPPP. Some of the BMPs used include the application of mag-chloride on haul roads, water trucks, water wagons, and sprinkler lines with spray bars and drip bars (on discharge points of the crusher). All gypsum loads leaving the property are transported in covered trucks, refer to the photo exhibit.

3.3 ODOR CONTROL

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all air quality standards, state, federal and local; and shall not create unusual or obnoxious odors beyond the property line. The production of gypsum does not create obnoxious odors as it is a non-odorous material.

3.4 AESTHETICS

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced. Visual impacts from the proposed earthwork and mining operation will be temporary. As noted in Section 2.2, PCI will perform 'reclamation' earthwork and grading to prepare the site topography to be in compliance with the approved DOGM reclamation plan.

3.5 SAFETY

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems. Uses shall also not be located within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer as being in conformance with city engineering standards and all state, local and federal laws.

The Federal Mine Safety and Health Administration (MSHA) will have jurisdiction over the health and safety of those working at the site. A legal identity report will be submitted to MSHA before operations begin.

Storm water from this project site will be regulated by the Utah Pollutant Discharge Elimination System (UPDES) under the implemented storm water provisions for industrial facilities. Un updated Notice of Intent (NOI) will be prepared along with a Storm Water Pollution Prevention Plan (SWPPP) at the time a grading permit application is submitted to the City of St. George, as discussed in Section 3.2.

Storm water drainage is maintained on site by use of retention basins for each phase as per the approved DOGM permit.

Geotechnical safety concerns for cut and fill slopes have been addressed in a geologic hazard assessment that was performed for the existing gypsum mine and gravel pit operated by PCI on property owned by Russell Limb.

According to the FEMA Flood Insurance Rate Map (FIRM) numbered 49053C1041G, dated April 2, 2009, the subject site is located within Zone X, defined as an area to be determined to be outside the 0.2% annual chance flood.²

3.6 TRAFFIC ISSUES

In accordance with the requirements of the City of St. George Zoning Ordinance, traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". Uses shall also follow city access management standards and not create hazards to other drivers or pedestrians.

The conditional use permit will allow the existing mine area to be operated at the existing production levels. In conjunction with the existing mining operations and equipment already present at the adjacent Russell Limb property, it is anticipated that traffic volumes will remain approximately the same. No additional staffing or purchasing of additional equipment is anticipated for the expansion into the SITLA location. As previously stated, Phase II of the mining operation is not an expansion of the operation; it is a continuation of mining of new gypsum resources upon exhaustion of the resources in Phase I

Current truck trip rates are dictated by the demand for the product. In the last 2 years, the average truck trip rate has been approximately 20.35 trips per day for a 5 day work week. The trip route will be via the northeast corner of the SITLA parcel, along the south boundary of the Russell Limb parcel to access 1700 East Street. All truck traffic travels southward on 1700 East Street to 3850 South Street, then westward to River Road, then south on River Road to Exit 2 of I-15 (see attached exhibit map).

The haul roads within the active SITLA parcel will change with pit operations, but ultimately be directed to the Russell Limb property via the northeast corner of the parcel. All traffic will be restricted from areas that have been reclaimed.

² Federal Emergency Management Agency Flood Insurance Rate Map, Washington County, Utah, Panel 1041 of 1225, Map Number 49053C1041G, effective date April 2, 2009.

3.7 HEIGHT

The City requires that all proposed conditional use building heights shall fit into the overall context of the surrounding area. Although no buildings are proposed for construction as part of this conditional use permit, visual impacts from the proposed earthwork activities shall fit into the overall grading of the surrounding area, as shown on the proposed grading plan.

3.8 HOURS OF OPERATION

The proposed times of operation will be limited to daylight hours, matching the hours already utilized by the PCI workforce on the existing mine site. In accordance with the requirements of the City of St. George Zoning Ordinance, nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area. Crushing and mining activity hours are regulated in the DOGM permit. No crushing or mining activities can occur after daylight hours. Servicing and loading of equipment is allowed.

The current land uses adjacent to the SITLA parcel are almost exclusively industrial and manufacturing; namely current mining operations by PCI on the Russell Limb parcel located to the northeast, and the Sunroc concrete products manufacturing plant located to the west. Parcels located to the south are part of the Fort Pierce Industrial Park. The nearest residential area is the Fossil Hills multi-family parcel fronting River Road, part of the SITLA Fossil Hills Planned Development. The nearest structure in the residential parcel is located approximately 1,100 feet from the property boundary. The residential property is also shielded from view and sounds of the mining operation due to the existing hill, as seen from the topography of the *Proposed Grading Plan Exhibit*.

3.9 SATURATION/SPACING

In accordance with the requirements of the City of St. George Zoning Ordinance, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas. Since this parcel is not located in a residential area, the saturation/spacing criterion is not applicable to this conditional use permit application.

3.10 CHARACTER AND PURPOSE OF ZONING

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall be consistent with the character and purpose of the zone within which they are located.

As noted in Section 3.8, the current land uses adjacent to the SITLA parcel are used almost exclusively for industrial and manufacturing purposes, which are consistent with the proposed mining use.

3.11 PUBLIC HEALTH

In accordance with the requirements of the City of St. George Zoning Ordinance, the proposed conditional use shall comply with all sanitation and solid waste disposal codes, and shall not create public health concerns.

The proposed conditional use operations will utilize the sanitation and solid waste disposal facilities currently located on the Russell Limb parcel. As noted in Section 3.6, the conditional use permit will be operated by PCI in conjunction with the existing mining operations and equipment already present at the adjacent Russell Limb property, and no additional staffing or purchasing of additional equipment is anticipated for the expansion into the SITLA location. For this reason, no expansion of existing sanitation or solid waste disposal facilities is anticipated.

4.0 REFERENCES

1. Code of the City of St. George, Utah, Title 10, Chapter 17, *Conditional Uses*, Section 10-17-7, *General Standards for Approval of Conditional Uses*.
2. Code of the City of St. George, Utah, Title 10, Chapter 13, *Overlay Zones*, Article A, *Hillside Development*.
3. Federal Emergency Management Agency Flood Insurance Rate Map, Washington County, Utah, Panel 1041 of 1225, Map Number 49053C1041G, effective date April 2, 2009.
4. Approval Order: Modification to Approval Order, DAQE-514-98 to Add and Modify Portable Equipment, State of Utah, Department of Environmental Quality, Division of Air Quality, Approval Order Number DAQE-AN0110970004-09, September 28, 2009.
5. Reclamation Contract between Principal and Division, State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining, December 19, 2011.
6. Notice of Intent to Commence Mineral Operations, Progressive Contracting, Inc., State of Utah, Division of Oil, Gas, and Mining, Approved February 12, 2013.
7. Addendum to Geologic Hazard Assessment and Geotechnical Investigation, Fort Pierce Property, Applied Geotechnical Engineering Consultants, November 11, 1999.
8. Geologic Hazard Assessment Update, Fort Pierce Industrial Park Property (PCI Pit), Applied Geotechnical Engineering Consultants, January 8, 2010.
9. Drainage Control Report, PCI Quarry, St. George, Utah, Rosenberg Associates, December 10, 2012.

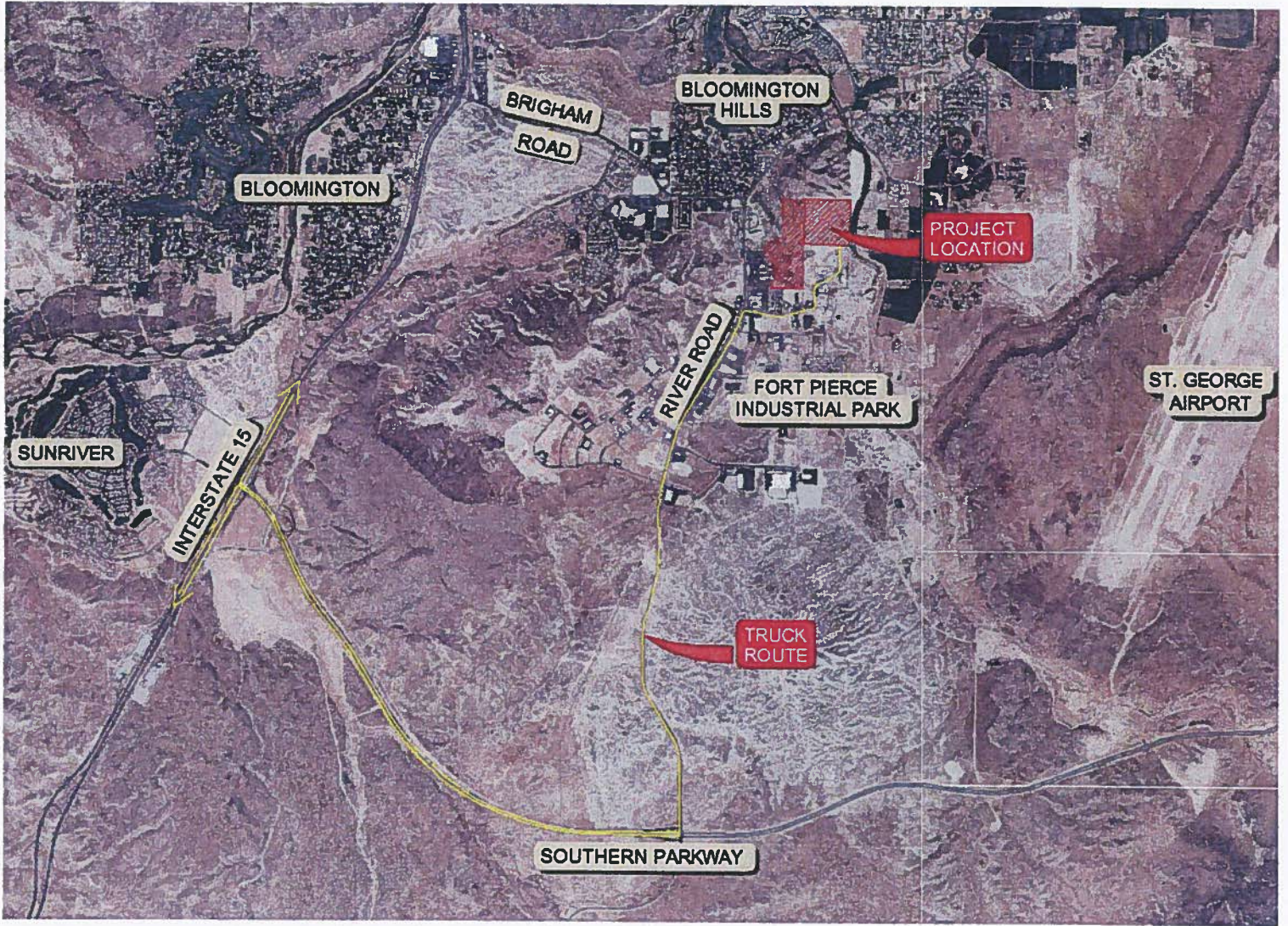
5.0 EXHIBITS











LANDMARK

TESTING & ENGINEERING

INSPECTION REPORT

Project Name: PCI Yard Project No. 99132
Client Name: Progressive Contracting Inc. Date: 6/14/2013
Client Address: P.O. Box 1930, St. George, Utah 84770
Location: PCI Yard
Inspection Type(s)/Coverage Vibration Monitor Report #

SUMMARY

This report summarizes the results of a one-time vibration monitoring study for blasting at the PCI Yard project the morning of June 14, 2013.

One factory-calibrated Instantel Blastmate III seismograph was placed northeast of the blast area, near the west bank of Fort Pierce Wash. The nearest residences were located northeast of the wash at the Knolls Subdivision. No other locations were monitored. A geophone sensor for the seismograph was temporarily installed at the indicated location. The seismograph records ground vibrations in terms of peak particle velocity (PPV) expressed in the units of inches per second (in/s). The seismograph was programmed to begin recording vibration waveforms when ground motions exceeded a 0.02 in/s trigger level. Vibrations of 0.02 in/s are near the threshold of human perception for most people and are well below the threshold values set for structures.¹ The seismograph was set to record as long as vibration levels remained at or above the trigger level.

The U.S. Bureau of Mines (USBM) compliance chart, which is the most widely used criteria for indicating whether vibrations are capable of causing damage to structures, plots both the amplitude (PPV) and frequency of vibrations. Based upon USBM data, the lowest particle velocity that is capable of causing damage is 0.2 in/s. Data that plots below this threshold are compliant with the USBM's standards and indicate that the vibrations are not likely to cause damage.

The attached monitor log indicates the time interval and trigger level for the study. No events were recorded. Therefore, vibrations at the above noted location were below the 0.02 in/s trigger level and well below the threshold limits recommended by the U.S. Bureau of Mines.

The lack of data collected during the one-time blasting event suggests that structural damage near the monitoring location due to ground vibrations during the blast would have been extremely unlikely. Vibration intensity may vary from the results of this one-time study during future blasts. Charge weight, number of charges, blast efficiency, and subsurface conditions (i.e., an unconsolidated alluvium vs. solid bedrock medium will transmit vibrations differently) will all affect the vibration amplitude experienced at a given distance and direction from the blast.

Riley Champneys


Reviewed By

Landmark Testing and Engineering Representative

An event report monitor log is attached to complete this inspection report.

795 EAST FACTORY DRIVE · ST. GEORGE, UT 84790 · PHONE: (435) 986-0566 · FAX (435) 986-0568

¹ Rosenthal, M.F., and Morlock, G.L., 1987, Blasting Guidance Manual, U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement, March 1987.

PCI

Event Report: Monitor Log - BlastMate III # BA14795-Compliance

Start Time	End Time	Status
Jun 14 /13 11:17:40	Jun 14 /13 11:31:51	SERIAL NUMBER: BA14795 No events recorded. (Keyboard Exit) Geo: 0.0200 in/s

DRAFTAgenda Item Number : **6J**

Request For Council Action

Date Submitted 2013-08-08 15:00:55**Applicant** Cameron Cutler**Quick Title** Indian Hills Federal Aid Agreement**Subject** Consider approval of a Federal Aid Agreement to design and construct a road improvement project on Indian Hills Drive.**Discussion** This project will include pavement reconstruction & widening. Federal funds total \$1,476,000. The required city match is only 6.77% (\$107,181); however, the agreement includes up to \$2,000,000 of city funds to do storm drainage and other additional improvements at the discretion of the city.**Cost** \$107,181**City Manager Recommendation** Recommend approval. The extent of the improvements will be refined as this project goes to design. Included in the current budget.**Action Taken****Requested by** Larry H. Bulloch**File Attachments** [FAA Indian Hills.pdf](#)**Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments****Attachments** [FAA Indian Hills.pdf](#)

State of Utah

Department of Transportation

Federal Aid Agreement for Local Agency Project CFDA No. 20.205	City of St George - Cameron Cutler	Maximum Project Value Authorized \$3,476,000
PIN Number 11549 FINET Number 53938 FMIS Number F009134	Project Number F-LC53(67) PIN Description Indian Hills Drive	Agreement Number (Assigned By Comptrollers) Date Executed

This Agreement is entered into this ____ day of _____, 20____, by and between the Utah Department of Transportation ("UDOT") and City of St George ("Local Agency"), a political subdivision of the State of Utah.

The (City/County) has a project that will receive financing from federal-aid highway funds. The Project consists of Indian Hills Drive, located at City of St George and identified as project number F-LC53(67);

Pursuant to 23 CFR 635.105, UDOT has the responsibility to oversee the federal aid projects to ensure adequate supervision and inspection so the projects are completed in conformance with the approved plans and specifications, including compliance with all federal requirements;

In instances where UDOT does not have jurisdiction over the road where the Project is being performed, UDOT may arrange for the Local Governmental Agency with jurisdiction of the road to perform the work with its own forces or by contract; and

This Agreement describes the respective roles and requirements of UDOT and the City/County to ensure compliance with the federal requirements for the receipt of federal funding for the Project.

State Wide Transportation Improvement Program STIP 2013 - 2016

Fund*	Prior	2013	2014	2015	2016	Total	Fed Aid	State	Other	Pct
LOCAL GOVT	\$0	\$1,892,819	\$0	\$0	\$0	\$1,892,819	\$0	\$0	\$1,892,819	100.00%
STP_FLX_DMPO	\$0	\$510,565	\$268,154	\$0	\$0	\$778,719	\$726,000	\$0	\$52,719	6.77%
STP_SU_DMPO	\$0	\$448,716	\$355,746	\$0	\$0	\$804,462	\$750,000	\$0	\$54,462	6.77%
Total:	\$0	\$2,852,100	\$623,900	\$0	\$0	\$3,476,000	\$1,475,999	\$0	\$2,000,000	57.54%

AGREEMENT

Now, therefore, the parties agree as follows:

I. Description of the Project.

II. UDOT's Roles and Responsibilities on a Federally Funded Local Government Project as follows:

- A. Oversee compliance with federal and state regulations.
- B. Ensure transportation project oversight as outlined in 23 CFR.
- C. Assign a UDOT Project Manager to:
 - 1. Assist the Local Government Project Manager to monitor scope, schedule, budget, and help track expenditures during all phases of the project.
 - 2. Assist in project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - 3. For projects approved through the Wasatch Front Regional Council (WFRC), assist in early coordination with UDOT's Environmental staff during preparation of the environmental document.
 - 4. Prepare and process the federal aid agreement before project initiation.
 - 5. Help administer consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the Project.
 - 6. Assist the local agency to process and approve Consultant Pay Requests.
 - 7. Coordinate and participate in design review meetings to ensure the federally-approved, UDOT design process is followed.
 - 8. Coordinate to ensure ongoing communication with the local project sponsor.
 - 9. Coordinate payment of local government matching, betterment or other funding to UDOT prior to project advertisement.
 - 10. Assist the Local Agency in preparing and executing Utility Reimbursement Agreements as required.
 - 11. Coordinate betterment items and finalize agreements prior to construction advertising.
 - 12. Assist with the federally-approved construction advertising and award processes.
 - 13. Coordinate with the Local Project Manager to review and recommend change orders for approval.
 - 14. Coordinate the UDOT project closeout process.

III. Local Agency Roles and Responsibilities on a Federally Funded Local Government Project.

The Local Agency shall manage the Project in compliance with federal and state laws and regulations. The Local Agency shall monitor the quality of work being performed on the Project and daily activities and issues with the consultants. For Class B and C roads, the Local Agency assumes responsibility for the design, construction quality and maintenance of the road.

A. The Local Agency shall assign a representative to serve as the Local Project Manager to:

- 1. Research, understand, and take responsibility for federal requirements by its acceptance of federal funds.
- 2. Coordinate with the UDOT Project Manager concerning the funding.
- 3. Committee (MPO's, etc.) for funding and expenditure time-frames, scope issues and delivery schedule.
- 4. Manage the day-to-day activities of the Project as follows:
 - a. Consultant and professional services used on the Project.
 - b. The Local Agency shall recommend and approve consultant pay requests.
 - c. Project scope, schedule, budget, and quality.
 - d. Coordination of details, decisions and impacts with the local jurisdiction's community councils, commissions, legal counsel, department heads, political leads, engineering and public works departments, etc.
 - e. Coordination with the assigned UDOT Project Manager.
 - f. Project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - g. Monitor project schedule and progress of all project tasks to ensure a timely delivery of the project.
 - h. Schedule discussion should be held in all preconstruction and construction project progress meeting.
 - i. Oversee project compliance with federal and state transportation project processes. These responsibilities include (but are not limited to):

- 1) Participate in the federally approved consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the project.
 - 2) Participate as the active lead in project team meetings as well as all field and plan reviews.
 - 3) Ensure NEPA Environmental clearances and approvals are obtained.
 - 4) Ensure current AASHTO, MUTCD, and UDOT design standards are met, or if not, ensure all design exceptions, waivers or deviations are obtained and have the necessary signatures in place.
 - 5) Ensure and certify that right of way acquisitions follow the federal Uniform Act and comply with state right of way acquisition policy, including rules, and meet all Project right of way commitments.
 - 6) Ensure construction standards and specifications are met.
 - 7) Oversee project construction management operations, progress, documentation and quality inspection to meet state and federal contract administration requirements.
- j. Coordinate with utilities to minimize project impacts and ensure needed relocations have the proper documentation, easements and agreements in place. The Local Agency shall provide to UDOT Region Utility Coordinator the Project utility certification prior to construction advertising.
 - k. Ensure required documentation is in place before submitting the advertising package to UDOT for advertising through its federally-approved process.
 - l. Coordinate with the UDOT Project Manager and Comptroller's Office to deposit the local match and betterment funds prior to advertising.
 - m. Approve the final advertising package and obtain local signature approval before proceeding to advertise.
 - n. Review the abstract of bids and recommend to the UDOT Project Manager award of the project.
 - o. Attend Construction Coordination meetings and coordinate with the Consultant Resident Engineer (RE).
 - p. Review all construction change orders for approval and submit them to UDOT Project Manager for review and processing.
 - q. Review the project budget for changes related to change orders, quantity overruns, incentives, fuel and asphalt adjustments, etc.
 - r. Ensure materials comply with the current UDOT Materials Testing and Acceptance Manual and the UDOT Minimum Sampling and Testing Requirements.
 - s. Assist to provide all documentation needed for construction project close out including Buy America certification.
 - t. Coordinate the project close out process by timely closing all open contracts and agreements.
 - u. Provide right of way certification verifying all required right of way has been purchased prior to advertising.

This list of roles and responsibilities is not comprehensive but describes the general roles of the Local Agency.

IV. Funding. Upon signing this agreement, the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT. Phases typically include environmental, design, right of way and construction. The local match for this project is represented by the percentages of the Total Project Value shown below. In addition the Local Agency agrees to pay 100% of the overruns that exceed \$3,476,000 and any ineligible costs when requested by UDOT.

All project costs not reimbursed by FHWA shall be the responsibility of the Local Agency. No costs are eligible for federal aid reimbursement until authorized by the FHWA through Form R-709, Request for Federal Aid Project Approval, separate from this Local Agency Agreement.

For the specific funding for the project, see page 1, Statewide Transportation Improvement Program (STIP).

UDOT will request payment of matching shares and overruns through an email that will be sent to Cameron Cutler at CAMERON.CUTLER@SGCITY.ORG the Local Agency Contact. The Local Agency shall pay within 30 days after each payment request. The Local Agency shall make the check payable to the Utah Department of Transportation referencing the project number above and mail to UDOT Comptroller's Office, 4501 South 2700 West, Box 1415010, Salt Lake City, Utah 84114-1510.

The Local Agency shall be responsible for all costs associated with the project which are not reimbursed by the federal government. For a Joint Highway Committee project, the federal participation for construction engineering costs is limited to 20 percent of the construction contract costs.

Funds requested beyond the amount set forth will require execution of a Supplemental Financial Agreement.

If the project has cost overruns, the Local Agency shall pay the additional amount required within 30 days of receiving the invoice. Should the Local Agency fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other Local Agency projects or B&C road funds may be withheld until payment is made.

If the advanced amount exceeds the Local Agency's share of project cost, UDOT will return the amount of overpayment to the Local Agency upon financial closure of the project.

UDOT shall provide the Local Agency with a quarterly statement reflecting a cost summary of project costs.

V. Local Agency's Reimbursement Claims. The Local Agency shall bill UDOT for eligible federal aid project cost incurred after FHWA approval for authorization to proceed (form R709) and in conformity with applicable federal and state laws. Authorized Local Agency reimbursement claims should be submitted to UDOT Project Manager. Reimbursements to the Local Agency for right of way claims are classified as a pass-through of Federal funds from UDOT to the Local Agency. Expenditures by the Local Agency for general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved by the Federal government.

The Local Agency shall comply with 23 CFR Section 710.203 for FHWA reimbursement requests of real property acquisitions. A Local Agency shall not request reimbursement for excess acquisitions which are not eligible for FHWA reimbursement under 23 CFR Section 710.203 <http://www.gpoaccess.gov/cfr/retrieve.html>.

VI. Federal Aid Project Compliance. Local Agency shall comply with Title 23, USC, 23 CFR, Office of Management and Budget Circulars A-102, A-87 and A-133, policies and procedures promulgated by FHWA, UDOT Local Government and State Aid Project Guide, UDOT's Right of Way Operational Manual and the Federal Aid Project Agreement between UDOT and Federal Highway Administration concerning federal aid projects.

VII. Project Authorization for Federal Aid. The Local Agency, through UDOT, must obtain an Authorization to proceed from FHWA before beginning work on any federal aid project. Federal funds shall not participate in costs incurred prior to the date of authorization, except as provided by 23 CFR Section 1.9(b).

VIII. Liability. Local Agency agrees to hold harmless and indemnify UDOT, its officers, employees and agents (Indemnities) from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project, and from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of Indemnities' failure to inspect, discover, correct, or otherwise address any defect, dangerous condition or other condition created by or resulting from Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the Local Agency of its duty in the performance of this Project or to ensure compliance with acceptable standards.

IX. Single Audit Act. The Local Agency, as a sub-recipient of federal funds, shall adhere to the Federal Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. A sub-recipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provision of OMB Circular A-133. Upon conclusion of the A-133

audit, the Local Agency shall be responsible for ensuring that a copy of the report is transmitted to the Utah Department of Transportation, Internal Audit, 4501 S 2700 W, Box 148230, Salt Lake City, Utah 84114-8230.

X. Maintenance. The Local Agency shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with state and federal requirements.

XI. Utilities. The Local Agency shall notify and cooperate with utility companies having facilities in the project limits in accordance with Utah Code Section 54-3-29.

The Local Agency shall certify, in accordance with 23 CFR Section 645.107(c), that utility relocation reimbursements to be made in accordance with the provisions of 23 CFR Section 645.107(a) do not violate the terms of a use and occupancy agreement, or legal contract, between the utility and the Local Agency, or are solely for the purpose of implementing safety corrective measures to reduce the roadside hazards of utility facilities to the highway use as provided in 23 CFR Section 645.107(k).

The Local Agency shall determine reimbursement eligibility for identified relocations based on Local Agency Franchise Agreement or Ordinance. If not reimbursable, submit a written statement to UDOT that the Local Agency is "legally unable to reimburse the utilities" for relocation or protection work as part of the project. Utility relocations deemed to be reimbursable will be performed in accordance with 23 CFR Section 645, Utilities, Subpart A, and are subject to 23 CFR Section 635.410, Buy America Requirements.

In accordance with 23 CFR Section 645.209 (g), the Local Agency will provide a degree of protection to the highway that is equivalent to or more protective than Utah Administrative Rule 930-7, Utility Accommodation Rule.

XII. Availability of Records. For a period not less than three (3) years from the date of final project close out with federal government, the Local Agency accounting records pertaining to the federal aid project are to be kept available for inspection and audit by the state and federal government, or furnished upon request.

XIII. Right of Way. The Local Agency shall acquire all the required right of way for the Project in compliance with 23 CFR Section 710.309, 49 CFR Part 24 and UDOT Right of Way Operations Manual. The Local Agency shall use the right of way module in ePM for acquisitions. Once all the necessary right of way is acquired, the Local Agency shall obtain UDOT's certification. All the necessary right of way must be obtained before the project is advertised. No limitations concerning right of way shall be allowed. For UDOT right-of-way certifications required for advertising access the following: <http://www.udot.utah.gov/main/f?p=100:pg:::1:T,V:808,34728>.

For real property disposals the Local Agency shall comply with 23 CFR Sections 710.409 and 710.403. The Local Agency should have property management records, which identify inventories of real property considered excess to project needs. If a Local Agency determines that real property initially acquired as part of the project is declared excess and disposed of the Local Agency must comply with 23 CFR Sections 710.409 and 710.403. This requires that the Federal share of net income from the sale or lease of real property acquired with Federal assistance be used for Title 23 eligible projects. Refer to <http://www.gpoaccess.gov/cfr/retrieve.html> for additional information. The Local Agency shall deposit the net proceeds from the sale or lease with UDOT to be applied towards a Title 23 eligible project as authorized by the appropriate metropolitan planning organization or the Joint Highway Committee.

XIV. Change in Scope and Schedule. Local Agency recognizes that if a project scope changes from the original intent of the project application, the project will need to be re-evaluated by the responsible agency that programmed the project. Such a review may result in approval of the scope change, removal from the program, or adjustment in the federal aid funds programmed for the project.

Local Agency is responsible for the schedule of the project. If the project cannot progress as programmed, the responsible programming agency may advance other projects and require the project to wait for next available funding.

Any change orders required to meet the terms and conditions of the construction contract will be initiated by UDOT. UDOT will notify the Local Agency of any such change orders. At the Local Agency's request, UDOT will initiate change orders that cover betterments.

The Local Agency shall be responsible for 100% of the costs of all change orders on the Project not reimbursed by FHWA.

XV. UDOT Service Costs. UDOT may provide expertise in project management, contract preparation, design plan reviews, advertising, construction materials verification/certification, technical assistance, engineering services or other services as needed. Appropriate charges for these costs will be included in invoices to the Local Agency.

XVI. Additional Contracting Party. If the Local Agency desires to be an additional contracting party and an additional bondholder or obligee on the performance bond for Class B and C roads, a signed letter on official letterhead by the governing body of the Local Agency shall be an attachment to this Federal Aid Agreement. This provision applies only to federally funded projects and only on B and C roads.

XVII. Termination. This agreement may be terminated as follows:

1. By mutual agreement of the parties, in writing.
2. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Thirty day written notice to terminate the Agreement will be provided to the other party describing the noncompliance of the Agreement. If the noncompliance is not remedied within the thirty day period, the Agreement shall terminate. However, if UDOT believes that the Local Agency is violating the Agreement that may result in harm to the public, inappropriate use of federal funds or if the Federal Highway Administration requests immediate termination, UDOT may terminate the Agreement without giving the thirty day notice.
3. By UDOT for the convenience of the state upon written notice to the Local Agency.
4. By UDOT, in the event that construction of the project for which this design engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed.

In the event of termination, the Local Agency shall pay all of UDOT's costs regardless of whether the Project is constructed.

XVIII. Miscellaneous.

1. This Agreement cannot be altered or amended, except pursuant to an instrument in writing signed by each of the parties.
2. If any term or provision of this Agreement or application to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement shall not be affected and each term, condition and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law, so long as removing the severed portion does not materially alter the overall intent of this Agreement.
3. The failure of a party to insist upon strict performance of any provisions of this Agreement shall be construed as a waiver for future purposes with respect to any such provision or portion. No provision of this Agreement shall be waived unless such waiver is in writing and signed by the party alleged to have waived its rights.
4. Each undersigned represents and warrants that each has been duly authorized for all necessary action, as appropriate, to execute this Agreement for and on behalf of the respective parties
5. The parties shall not, by this Agreement nor by any act of either party, be deemed principal and agent, limited or general partners, joint ventures or to have any other similar relationship to each other in the conduct of their entities.

XIX. Content Review

Language content was reviewed and approved by the Utah AG's office on March 20, 2013.

GENERAL (FHWA) PROVISIONS FOR FEDERAL-AID AGREEMENT

1. **General Provisions:** The Grantee will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. **Modification:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the Grantee.
3. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three (3) years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for non-expendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
4. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The application/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1 an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
5. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, and person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
6. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
7. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
8. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcripts.
9. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.
10. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
11. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person,

by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.

12. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.
13. Accountability of equipment acquired in prior years will be transferred to the current year Grant. An updated inventory list will be provided by FHWA.
14. This Grant is subject to the conditions specified in the enclosed Negotiation Document.
15. **Drug-Free Workplace:** By signing this agreement, the recipient certifies that it is in compliance with the Drug-Free Workplace Act (41 U.S.C. Sec. 701 et seq.) And implementing regulations (49 CFR Part 29), which require, in part, that grantees prohibit drug use in the workplace, notify the FHWA of employee convictions for violations of criminal drug laws occurring in the workplace, and take appropriate personnel action against a convicted employee or require the employee to participate in a drug abuse assistance program.
16. **Limitation on Use of Federal Funds for Lobbying for Grants in Excess of \$100,000:** By signing this agreement the recipient declares that it is in compliance with 31 U.S.C. Sec. 1352, which prohibits the use of Federally appropriated funds to influence a Federal employee, officer, or Member of Congress in connection with the making or modification of any Federal grant, loan, contract, or cooperative agreement. Unless the payment of funds is otherwise reported to FHWA, signing this agreement constitutes a declaration that no funds, including funds not Federally appropriated, were used or agreed to be used to influence this grant. Recipients of subgrants in excess of \$100,000 must make the same declarations to the grant recipient. With respect to the payment of funds not Federally appropriated by the recipient and sub-recipients, the recipient must report to the FHWA the name and address of each person paid or performing services for which payment is made, the amount paid, and the activity for which the person was paid.

50036.2-M-34b

Form FHWA-1273 (Rev. 3-94)

LOCAL AGENCY

City of St George Official

By _____

Date _____

Mayor Daniel D Mcarthur

Utah Department of Transportation

By _____
Region Director

Date _____

UDOT Comptroller

By _____
Comptroller's Office

Date _____



Consultant Services

Federal Aid Agreement Review/Approval Routing Form

STATE OF UTAH
UTAH DEPARTMENT OF TRANSPORTATION
ENGINEERING SERVICES

TODAY'S DATE 8/8/2013
PM REQUEST DATE 8/8/2013

FEDERAL AID

Project No.: F-LC53(67)
PIN Description: Indian Hills Drive

PIN No.: 11549
FINET Prog Code No.: 53938

UDOT Project Manager	UDOT Contract Administrator
Branden E. Anderson 210 West 800 South Richfield, UT 84701 (435)619-0098 branden@utah.gov	Michael R. Butler PO Box 148490 Salt Lake City Utah 84114-8490 (801)965-4419 michaelbutler@utah.gov

Local Government
City of St George 175 E 200 N St George, UT 84770 Cameron Cutler, (435) 674-4287 CAMERON.CUTLER@SGCITY.ORG

Project Value	\$3,476,000
Federal Match	\$1,475,999
Local Government Match	\$2,000,000
State Match	\$0

Please print five single sided copies and route for review/approval to the individuals listed below, using the contact information above. Please sign where appropriate on page #1 in the document before forwarding to the next individual on the list. Please route in the following order:

Routing Sequence	Date
1 Sent to Local Government	8/8/2013
2 Review/Approved Local Government	
3 Review/Approved UDOT Region Director (c/o UDOT PM)	
4 Consultant Services	
5 Sent to UDOT Comptroller	
6 Review/Approved UDOT Comptroller	

DRAFTAgenda Item Number : **6K**

Request For Council Action

Date Submitted 2013-08-09 12:01:07**Applicant** Rich Stehmeier**Quick Title** Airport Grant**Subject** Consider approval of an FAA grant for the Replacement Airport

Discussion This year's FAA grant (#3-49-0060-22) is ready to be issued in the amount of \$11,000,000. There are two more grants remaining to finish out the LOI funding program for construction of the Replacement Airport. Steve Domino has a Request For Reimbursement ready to send in as soon as the grant is issued. The city's share is 9.06%

Cost \$0.00

City Manager Recommendation Recommend approval of this grant. Two more after this one and we will be done with the funding of the new Airport.

Action Taken**Requested by** Larry Bulloch**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

GRANT AGREEMENT

Federal Aviation
Administration

Part I - Offer

Date of Offer: August 9, 2013
Airport: St. George Municipal
Project Number: 3-49-0060-22
Contract Number: DOT-FA13NM-1001
DUNS Number: 627376569

To: City of St. George, Utah
(herein called the "Sponsor")

From: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

Whereas, the Sponsor has submitted to the FAA a Project Application dated April 5, 2013 for a grant of Federal funds for a project at or associated with the St. George Municipal Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

Whereas, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Pursuant to Letter of Intent ANM-08-1: Construct New Airport
(Paving and Lighting (Phase III) and Professional Services),**

all as more particularly described in the Project Application.

NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90.94 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

Conditions

1. The maximum obligation of the United States payable under this offer shall be \$11,000,000. For the purpose of any future grant amendments, which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:

 \$0 for planning
 \$11,000,000 for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the sponsor on or before August 23 , 2013, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.
8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

Special Conditions

9. The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars Required For Use In AIP Funded and PFC Approved Projects," dated April 16, 2013, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
11. For a project to replace or reconstruct pavement at the airport, the Sponsor shall implement an effective airport pavement maintenance management program as is required by Airport Sponsor Assurance Number C-11. The Sponsor shall use such program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. As a minimum, the program must conform to the provisions outlined below:

PAVEMENT MAINTENANCE MANAGEMENT PROGRAM

An effective pavement maintenance management program is one that details the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed. An airport sponsor may use any form of inspection program it deems appropriate. The program must, as a minimum, include the following:

a. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:

- (1) location of all runways, taxiways, and aprons;
- (2) dimensions;
- (3) type of pavement, and;
- (4) year of construction or most recent major rehabilitation.

For compliance with the Airport Improvement Program (AIP) assurances, pavements that have been constructed, reconstructed, or repaired with federal financial assistance shall be so depicted.

b. Inspection Schedule.

- (1) **Detailed Inspection.** A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," the frequency of inspections may be extended to three years.
- (2) **Drive-By Inspection.** A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition.

c. **Record Keeping.** Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The types of distress, their locations, and remedial action, scheduled or performed, must be documented. The minimum information to be recorded is listed below:

- (1) inspection date,
- (2) location,
- (3) distress types, and
- (4) maintenance scheduled or performed.

For drive-by inspections, the date of inspection and any maintenance performed must be recorded.

d. **Information Retrieval.** An airport sponsor may use any form of record keeping it deems appropriate, so long as the information and records produced by the pavement survey can be retrieved to provide a report to the FAA as may be required.

e. **Reference.** Refer to Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements and establishing an effective maintenance program. Specific types of distress, their probable causes, inspection guidelines, and recommended methods of repair are presented.

12. The Sponsor agrees to perform the following:

- a. Furnish a construction management program to FAA prior to the start of construction which shall detail the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program shall include as a minimum:
 - (1) The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
 - (2) Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
 - (3) Procedures for determining that testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation, referenced in the contract specifications (D 3666, C 1077).
 - (4) Qualifications of engineering supervision and construction inspection personnel.
 - (5) A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
 - (6) Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
- b. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or that did not meet the applicable test standard. The report shall include the pay reductions applied and the reasons for accepting any out-of-tolerance material. An interim test and quality control report shall be submitted, if requested by the FAA.

- c. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, shall, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction shall be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.
 - d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.
13. Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
14. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- a. may not be increased for a planning project;
 - b. may be increased by not more than 15 percent for development projects;
 - c. may be increased by not more than 15 percent for land projects.
15. The FAA, in tendering this Offer on behalf of the United States, recognizes the existence of an Agency relationship between the Sponsor, as principal, and the Utah Division of Aeronautics, as agent. The Sponsor agrees that it will not amend, modify, or terminate said Agency Agreement without prior written approval of the FAA or its designated representative.
16. The Sponsor understands and agrees that in accordance with 49 USC 47111, and the Airport District Office's concurrence, that no payments totaling more than 97.5 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be satisfactorily completed. Satisfactorily complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement; and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list.
17. **TRAFFICKING IN PERSONS:**
- a. Provisions applicable to a recipient that is a private entity.**
 - 1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
 - 2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - A. Associated with performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB

Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity--

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either--
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.

c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

18. The Sponsor shall provide for a Single Audit in accordance with Office of Management and Budget Circular A-133. The Sponsor shall submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/fac/collect/ddeindex.html>. The Sponsor shall also provide one copy of the completed A-133 Audit to the Denver Airports District Office.
19. The Sponsor agrees to submit a **Federal Financial Report** (FAA Form SF-425) for all open grants to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

The Sponsor further agrees to submit an **Outlay Report and Request for Reimbursement** (FAA Form SF-271 for construction projects) or **Request for Advance or Reimbursement** (FAA Form SF-270 for non-construction projects) to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

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The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Manager, Denver Airports District Office

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct. Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C Section 1001 (False Statements) and could subject you to fines, imprisonment or both.

Executed this _____ day of _____, 2013.

CITY OF ST. GEORGE, UTAH

(SEAL)

Sponsor's Designated Official Representative

Attest: _____ Title: _____

Title: _____

Certificate of Sponsor's Attorney

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Utah. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 2013.

Signature of Sponsor's Attorney

DRAFTAgenda Item Number : **6L**

Request For Council Action

Date Submitted 2013-08-09 12:02:13**Applicant** Gary S. Esplin**Quick Title** Quit Claim and Lease approval on old Airport**Subject** Authorization to issue quit claim deed and lease approval for parking areas at Old Airport site.**Discussion** New owners have title issues with where their building sits as it encroaches onto City property by approximately two feet. Also, they would like to lease/purchase the parking lots that the previous owners put in on City property per a previous lease agreement with the City that has expired.**Cost** \$0.00**City Manager Recommendation** Recommend approval of quit claim deed and lease/purchase agreement with new owners of the Rococo. Given the encumbrance the FAA has on the property until we can get it released a lease/purchase for the 2'encroachment of the building and the existing parking areas might be the best way to go.**Action Taken****Requested by** Gary S. Esplin**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
JULY 11, 2013
CITY COUNCIL CHAMBERS**

PRESENT:

Mayor Daniel McArthur
Councilmember Jon Pike
Councilmember Jimmie Hughes
Councilmember Gil Almquist
Councilmember Ben Nickle
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez

EXCUSED:

Councilmember Gail Bunker

OPENING:

Mayor McArthur called the meeting to order and welcomed all in attendance. The Pledge of Allegiance was led by Trent Anderson, scout, and the invocation was offered by Reverend Alex Wilkie. He invited all Scouts in the audience to introduce themselves.

Mayor McArthur announced the next movie being shown at the Sunset on the Square. He also mentioned the 100th anniversary of IHC.

FINANCIAL REPORT:

Consider approval of the financial report for May, 2013.

City Manager Gary Esplin stated the report shows the City is right on with most expenditures. A budget opening was approved in June to make corrections on some areas that were not anticipated.

Councilmember Almquist inquired about the big surge in the fire impact fund.

City Manager Gary Esplin explained legislature allows the City to charge commercial impact fees which are used to purchase certain pieces of equipment.

Mayor McArthur noted sales tax is up 10.27%, franchise fees are up 5.1%, building permits are up 32% and highway sales tax is up 13.48%.

MOTION: A motion was made by Councilmember Almquist to approve the financial report for May 2013.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

SET PUBLIC HEARINGS:

Ray Snyder advised that the Planning Commission, at its meeting held July 9, 2013, recommended that a public hearing be scheduled for August 1, 2013 to consider (1) a proposed amendment to Title 10, Chapter 7B, single Family Residential Zones, section 10-7B-6.G to provide for lot size averaging in the R-1-8 zone, (2) a PD-C zone change amendment request to add "the sale of decorative rock and gravel" to the permitted use list for Star Nursery located at 1335 south Dixie Drive, and (3) a zone change from Mining & Grazing and A-1 to R-1-10 on 53.40 acres and to R-1-8 on 21.60 acres located north of Crimson Ridge Drive and east of 3000 East Street.

MOTION: A motion was made by Councilmember Almquist to set the public hearing as recommended.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FINAL PLATS:

Todd Jacobsen presented the final plats for Crimson Ridge Drive Church Subdivision, Hidden Valley Open Space, Rim Rock Subdivision, and Sun River St. George Phase 36.

Councilmember Almquist inquired if the Rim Rock Subdivision includes the area from Lowe's to Olive Garden.

Mr. Jacobsen advised the Target subdivision was never subdivided. Target owns the land and this portion will be subdivided.

MOTION: A motion was made by Councilmember Pike to approve the final plats and authorized the Mayor to sign them.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the Preliminary Plat for Vistas at Entrada (Kachina Cliffs Phase 3) for thirty-three residential lots on 22.78 acres. The property is zoned PD-R and is located at the end of Cougar Rock Circle. He explained the area along the north side will be designated as a "No Disturb" area. All proposed roadways within the subdivision may be private roads. Drainage from the hillside and subdivision will be collected in the proposed drainage system and conveyed to the existing wash on the north side of the project. Lots 30 and 31 will have a minimum 6 foot deep and 10.5 foot wide trench excavated along the backside for rock fall mitigation.

MOTION: A motion was made by Councilmember Pike to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the Preliminary Plat for 9th Fairway Subdivision, a sixty-two lot residential subdivision on 16.51 acres located on the east side of SR-18 and south of the existing round-about and south of hole 9 on the Ledges golf course. Zoning will be PD-R and the density will be 3.76 dwelling units per acre. The developer is proposing to use the 45-foot roadway cross-section for the interior streets. There will be an HOA that will maintain the common and limited areas. Lots 37-48 will be double fronting lots and will require a 10-foot landscape strip and a privacy wall. The developer will be putting in a 70 foot road with 10 foot landscape strip on both sides. Staff did not recommend it be a 90 foot road at this time since the landscape strips could be used to widen the road in the future.

Mayor McArthur inquired if the common and limited areas will be "do not disturb".

Mr. Jenkins replied it is fairly steep. The developer will have to grade into the area, therefore, they will have to do some sort of mitigation to get it back to its natural state.

City Attorney Shawn Guzman advised if the road is ever built, the Council can require and easement on either side.

City Manager Gary Esplin stated staff will have to speak to the developer regarding these issues.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat with instruction to staff to speak with the developer to discuss an easement and the do not disturb area.

SECOND: The motion was seconded by Councilmember Pike.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye

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Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Ledges - White Rocks Subdivision, a sixty-five lot residential subdivision located on the east side of SR-18 and south of hole 9 on the Ledges Golf Course, density is 3.37 dwelling units per acre, zoning is PD-R. The developer is proposing to use the 45 foot roadway cross-section for the interior streets and pads with common area and limited common area that will be maintained by the HOA. Lots 37-48 will be double fronting lots and will require a 10-foot landscape strip and a privacy wall.

MOTION: A motion was made by Councilmember Pike to approve the preliminary plat with the conditions of the Planning Commission.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye

Councilmember Almquist - aye

Councilmember Nickle - aye

Councilmember Hughes - aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin advised density requirements are being met at this time, but will have to be looked at when the Master Plan comes before Council.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Las Colinas Phase 4, a seven lot subdivision located on the west side of Pioneer Road at approximately 4000 South, density is 3.19 dwelling units per acre, zoning is PD-R. A portion of lot 404 is located within the Erosion Hazard Boundary, the applicant will provide an erosion hazard study to determine what mitigation measures are necessary to protect the lot from erosion caused by flooding. The developer will be required to transition the trail along the south side of proposed lots 401 and 405, to the proposed La Costa Drive which will require curb cuts, ramps and bollards. The property west of La Costa Drive between lots 405 and 406 will be dedicated to the City.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat with notes from staff.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye

Councilmember Almquist - aye

Councilmember Nickle - aye

Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Painted Desert Estates Phase 11, a two lot residential subdivision located at approximately 2450 South and 1430 East. Zoning is PD-R and density is 6.15 dwelling units per acre. All roadway and utility improvements have been installed along the frontage of these two lots.

MOTION: A motion was made by Councilmember Pike to approve the preliminary plat.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye

Councilmember Almquist - aye

Councilmember Nickle - aye

Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Wes Jenkins presented the preliminary plat for Sycamore Phases 5-8, located on the southwesterly corner of 3000 East and Banded Hills Drive. Zoning is R-1-10 and density is 2.4 dwelling units per acre. The developer is proposing double fronting lots along Little Valley Road which will require a 10 foot landscape strip and privacy wall. The developer is also proposing double fronting lots along 3000 east. There is a regional trail that will be installed along the northerly side of 3000 East; a 10 foot landscape strip will be required because of the double fronting lots. Lots 17 and 93-98 are proposed as walkout basement

lots. A note will be added to the final plat that these lots are to be built as walkout basement lots unless the property owner can provide a site grading and drainage plan that meets City ordinances.

City Manager Gary Esplin inquired if the street name will have to be changed since it does not go north and south.

MOTION: A motion was made by Councilmember Almquist to approve the preliminary plat with the caveat that the name change for 3000 East be looked at as well as clarifying construction of the regional use trail.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider a request for a conditional use permit to construct a detached garage to a height of 24' located at 2551 East 2220 South in a RE-20 zone. Don Warner, applicant.

Wes Jenkins stated the applicant proposes to construct an oversize detached garage in the rear of the lot to store an RV and other items. The detached garage will be located behind the applicant's home and will be setback 10' from the side property line and 18' from the rear property line and will not encroach onto any City easements. The exterior finishes will be similar to the home in material and color. Planning commission recommends approval; however, there was a letter in opposition from a neighbor to the west.

MOTION: A motion was made by Councilmember Pike to approve the conditional use permit with comments and conditions of staff and planning commission.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - nay
Councilmember Nickle - aye
Councilmember Hughes - aye

The motion carried.

CONDITIONAL USE PERMIT:

Consider a request for a conditional use permit to construct a detached garage to a height of 17'6" behind the home located at 538 Los Alamitos Drive. Charles James, applicant.

Wes Jenkins stated the applicant proposes to construct a 3-car garage behind his home; height will be 16 1/2'. The exterior finishes will be similar to that of the existing home.

MOTION: A motion was made by Councilmember Nickle to approve the conditional use permit.
SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/PUBLIC UTILITIES AND DRAINAGE EASEMENT/ORDINANCE:

Public hearing to consider a request to vacate a public utilities and drainage easement located between lots 5 & 6 of Blackberry Court Subdivision. Cameron Morby, applicant.

Todd Jacobsen advised the applicant owns both lots and would like to merge the two lots and vacate the public utility easement.

Mayor McArthur opened the public hearing. There being none, he closed the public hearing.

MOTION: A motion was made by Councilmember Nickle to approve the ordinance.

SECOND:
VOTE:

The motion was seconded by Councilmember Pike.
Mayor McArthur called for a roll call vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE AMENDMENT

Public hearing to consider an amendment to Title 10, Chapter 13A, Hillside Development Overlay Zone to provide exceptions for the realignment of existing public streets for safety reasons and also for unmanned public utility facilities.

Bob Nicholson stated the code amendment is to address the limited situations. The amendment will read "The City Council, after considering the recommendations from the Hillside Review Board and the Planning Commission, may reduce or waive the above slope disturbance standards for the realignment of the existing public streets for safety reasons, or for unmanned public utility facilities, where the City Council finds that other reasonable site alternatives do not exist."

Mayor McArthur opened the public hearing.

Ed Baca, resident, stated this is truly an exception to the hillside ordinance. He asked the Council to make sure it does not take away from the strength of the hillside ordinance.

Mayor McArthur closed the public hearing.

Councilmember Almquist stated he would like the new section to read "that other reasonable site or design".

MOTION:

A motion was made by Councilmember Hughes to approve the amendment to Title 10 zoning regulations Hillside Development Overlay Zone with the new wording as suggested by Councilmember Almquist.

SECOND:
VOTE:

The motion was seconded by Councilmember Pike.
Mayor McArthur called for a roll call vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

LEASE AGREEMENT:

Consider approval of a lease agreement for the Drug Task Force grant.

City Manager Gary Esplin stated the Drug Task Force is currently occupying space at the old airport and will continue through 2013.

City Attorney Shawn Guzman advised the agreement is for \$27,000.00.

MOTION:

A motion was made by Councilmember Pike to approve the agreement in the amount of \$27,000.00.

SECOND:

VOTE:

The motion was seconded by Councilmember Almquist.
Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AGREEMENT:

Consider approval of a UDOT Local Government contract with Horrocks Engineering for construction engineering management.

City Manager Gary Esplin advised this agreement for federal dollars the City will receive to clean out debris underneath the Man of War, River Road, and Valley View Drive Bridges.

MOTION:

A motion was made by Councilmember Almquist to approve the UDOT local agreement with Horrocks Engineering for engineering management on the construction of the clearance of the bridges as discussed.

SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AGREEMENT:
Consider approval of an agreement with Creamer and Noble Engineering for design of the 3000 East, Phase 2 project.

City Manager Gary Esplin advised the agreement is for the design of 3000 East from 1450 South to 700 South.

MOTION: A motion was made by Councilmember Pike to approve the agreement in the amount of \$71,510.00.

SECOND: The motion was seconded by Councilmember Nickle.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

AGREEMENT:
Consider approval of an agreement with Bush and Gudgell for construction management services on the 3000 East, Phase 1 project.

City Manager Gary Esplin advised the agreement is for construction management services on the 3000 East, Phase 1 project.

Jay Sandberg explained plans are complete and the project is ready to bid.

Councilmember Almquist stated that in the past Council tried to make sure engineering firms are staying within their budget. He inquired how staff is doing with that.

Mr. Sandberg replied all projects he has worked on have come in under budget. He explained construction managers on staff keep an eye on that.

MOTION: A motion was made by Councilmember Almquist to approve the agreement in the amount of \$70,028.00.

SECOND: The motion was seconded by Councilmember Nickle.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

APPOINTMENT OF POLL WORKERS:

MOTION: A motion was made by Councilmember Almquist to approve the list of poll workers for the upcoming election.

SECOND: The motion was seconded by Councilmember Pike.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Mayor McArthur advised he would like to reappoint all board members for the Board of Adjustments because their terms have expired.

City Attorney Shawn Guzman stated the terms will have to staggered.

MOTION: A motion was made by Councilmember Pike to reappoint the Board of Adjustment board members.
SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES:
Consider approval of the minutes of the City Council meeting held on June 6, 2013.

MOTION: A motion was made by Councilmember Almquist to approve the minutes as presented.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES:
Consider approval of the minutes of the City Council meeting held on June 13, 2013.

MOTION: A motion was made by Councilmember Pike to approve the minutes as presented.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CLOSED SESSION:

MOTION: A motion was made by Councilmember Hughes to adjourn to a closed session to discuss potential litigation and property sales.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

RECONVENE AND ADJOURN:

MOTION: A motion was made by Councilmember Pike to reconvene and adjourn.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for roll call vote as follows:

Councilmember Pike - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder

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**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
JULY 18, 2013
CITY COUNCIL CHAMBERS**

PRESENT:

Mayor Daniel McArthur
Councilmember Jon Pike
Councilmember Gail Bunker
Councilmember Jimmie Hughes
Councilmember Gil Almquist
Councilmember Ben Nickle
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez

OPENING:

Mayor McArthur called the meeting to order and welcomed all in attendance. The Pledge of Allegiance was led by Mayor McArthur and the invocation was offered by Pastor Jimi Kestin.

Mayor McArthur mentioned the events that will be happening to celebrate Pioneer Day. He also mentioned the unveiling of the distracted driving campaign sign that will take place at Mathis Bridge.

AIRPORT HANGAR LEASE:

Consider approval of an airport hangar lease with Paul Proctor of Scandia Development.

City Attorney Shawn Guzman advised the lease is still under review at this time.

AWARD OF CONTRACT:

Consider approval of a contract with Kim Campbell to provide architectural services for the remodeling of the East Annex.

City Manager Gary Esplin explained this project is included in the budget and will include the reception area and offices for Leisure Services.

MOTION: A motion was made by Councilmember Bunker to award the contract to Kim Campbell not to exceed \$49,950.00.

SECOND: The motion was seconded by Councilmember Pike.

Councilmember Pike inquired if the contact is for the design.

Leisure Services Director Kent Perkins explained the contract includes design, engineering and construction.

Councilmember Almquist stated he would like to see the openings and rooms to be large.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

FEE WAIVER:

Consider approval of a special event permit fee waiver for a yard sale to benefit Solomon's Porch Foursquare Fellowship homeless dinner program. Neal Smith, applicant.

Jimi Kestin, representing Solomon's Porch Foursquare Fellowship, explained all proceeds will benefit their Sunday noon meal they serve to the homeless in the area.

MOTION: A motion was made by Councilmember Hughes to approve the fee waiver.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye

Councilmember Hughes - aye

The vote was unanimous and the motion carried.

SALE OF CITY PROPERTY:

Consider sale of City property west of Lot 44 of Creekside Homes 2nd Amendment and east of the Santa Clara River. Donald Campbell, applicant.

City Manager Gary Esplin explained this was a lot in Creekside that had a home that was lost in the floods. The City purchased the lot, for \$20,000.00, to make sure no new dwelling would be built on it. A request to purchase this property by the adjacent property owner in Pinebrook Estates has been received. The applicant would like to expand his yard and install a swimming pool. There are details to be worked out with the other adjacent owner as well as the HOA for Creekside. If all details can be worked out, it looks like a good use of the property as long as there is a deed restriction on no dwelling and a liability release.

Todd Jacobsen stated that if this is approved, the applicant will request to merge the lots.

MOTION: A motion was made by Councilmember Pike to approve the sale of the City property as been discussed at a price close to what the City paid.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

INTERLOCAL AGREEMENT:

Consider approval of an interlocal agreement for the cost and use of Spillman software and hardware.

City Manager Gary Esplin explained Spillman is the data management system used by the Police Department and shared with other agencies within Washington County. This agreement formalizes the shared responsibility for the system.

MOTION: A motion was made by Councilmember Hughes to approve the interlocal agreement as outlined.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor McArthur called for a vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

CLOSED SESSION:

MOTION: A motion was made by Councilmember Bunker to adjourn to a closed session to discuss the pending litigation.

SECOND: The motion was seconded by Councilmember Nickle.

VOTE: Mayor McArthur called for a roll call vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Mayor McArthur invited a Scout in the audience to introduce himself.

RECONVENE:

MOTION: A motion was made by Councilmember Pike to reconvene.

SECOND: The motion was seconded by Councilmember Bunker.

VOTE: Mayor McArthur called for call vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye

Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

HEARING ON APPEAL OF REVOCATION OF BUSINESS LICENSE:

Issue a ruling on the appeal of the revocation of the business license for Mike's Smoke, Cigar & Gifts located at 1973 West Sunset Boulevard.

City Attorney Shawn Guzman stated that the council for Mike's Smoke Shop indicated that they did not need to be notified of a subsequent meeting when the Council takes action, and that they would accept the decision in written form.

MOTION: A motion was made by Councilmember Pike to uphold the revocation of the business license for Mike's Smoke, Cigar & Gifts to take into effect at 4:00 p.m. on July 31, 2013 and accept the Findings.

SECOND: The motion was seconded by Councilmember Bunker.
VOTE: Mayor McArthur called for call vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

ADJOURN:

MOTION: A motion was made by Councilmember Bunker to adjourn.
SECOND: The motion was seconded by Councilmember Nickle.
VOTE: Mayor McArthur called for call vote as follows:

Councilmember Pike - aye
Councilmember Bunker - aye
Councilmember Almquist - aye
Councilmember Nickle - aye
Councilmember Hughes - aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder

August 15, 2013

Addendum to Air Quality Permit # 13-164-DV

RE: Dust Control Implementation Plan
Conditional Use Permit
Progressive Contracting Incorporated
Gypsum Pit Augmentation Project

Windblown Visible Dust Plan During Inactive Periods

The following standards apply on weekends and holidays or any other times when no equipment and personnel are performing work activities on site. In the event of observations and/or complaints of windblown visible dust plumes from soils originating on the project site, mitigation measures will be directed within less than 1 hour of making the observation or receiving a complaint. Mitigation measures will be applied until the visible dust plumes are minimized or eliminated.

Dust Control Implementation Plan

- ❖ PCI shall develop a DCIP tailored to the specific needs of the project. This plan shall establish clear lines of communication with company personnel to ensure that all dust control issues can be dealt with promptly.
- ❖ The DCIP shall include but not be limited to:
- ❖ A single contact person with overall responsibility for the DCIP development as well as surveillance and remediation of job related dust.
- ❖ The following preventative measures shall be employed to control fugitive dust on weekends and holidays or any other times when no equipment and personnel are performing work activities on site.
 - ✓ Post-application of water or other means for all disturbed ground, stockpiles and haul road areas.
 - ✓ Completion of Self-Inspection Checklist on with identification and record of the timetable and measures used to control fugitive dust.
 - ✓ Notification to the City Air Quality Coordinator on received complaints and identification information of name and contact number of person(s).

Information to the Board of Directors

1. The Board of Directors is responsible for the overall management of the company and for the approval of the company's strategic plan.

2. The Board of Directors is also responsible for the appointment and removal of the company's senior management.

3. The Board of Directors is responsible for the approval of the company's financial statements and for the declaration of dividends.

4. The Board of Directors is also responsible for the approval of the company's annual budget.

5. The Board of Directors is responsible for the approval of the company's major capital expenditures and for the approval of the company's debt and equity financing.

6. The Board of Directors is also responsible for the approval of the company's risk management strategy.

7. The Board of Directors is responsible for the approval of the company's corporate governance policies and for the oversight of the company's compliance with applicable laws and regulations.

8. The Board of Directors is also responsible for the approval of the company's environmental, social and governance (ESG) strategy.

9. The Board of Directors is responsible for the approval of the company's succession plan for its senior management.

10. The Board of Directors is also responsible for the approval of the company's employee compensation and benefits policies.

FUGITIVE DUST CONTROL SELF-INSPECTION CHECKLIST

Fugitive Dust Source:

METHOD LOG

[illegible]

